



# MOTHERS AT THE GATES OF JUSTICE 2

FIFTH ANNUAL REPORT OF THE  
ABDUCTEES' MOTHERS ASSOCIATION

2020

2021



## **MOTHERS AT THE GATES OF JUSTICE 2**

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This 2020 annual report precisely unveils the ill-treatment, illegal abductions, enforced disappearance and heinous crimes committed by the conflicting parties in the Rep of Yemen against the innocent abductees, forcefully disappeared and kidnapped civilians

**DURING THE YEAR 2020.**

FIFTH ANNUAL REPORT OF ABDUCTEES' MOTHERS ASSOCIATION, 2020





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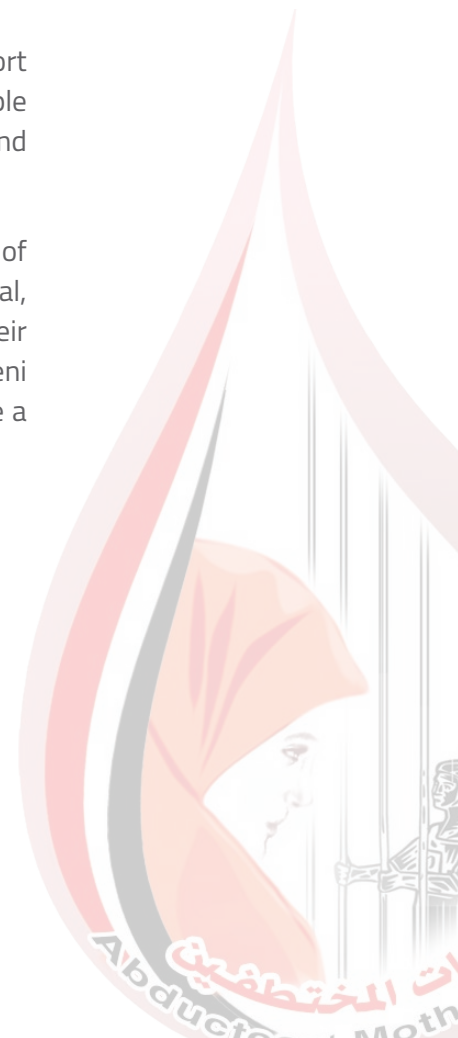
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## The Abductees' Mothers Association releases this report:

- In order to contribute in forming a clear picture of the violations that abductees are subjected to related to kidnapping, arrest, enforced disappearance, and torture in the Republic of Yemen and the accompanying violations during the year 2020, committed by all parties to the conflict in Yemen.
- In order to convey a message across to the international community to act seriously; to save civilians victims of kidnapping, detention and enforced disappearance in all its humanitarian and political efforts.
- To provide a comprehensive description based on the testimonies of the victims that contributes to reading the current situation and clarifying it to the international human rights institutions that lead the peace process, as well as to local initiatives to pressure all parties of the conflict in Yemen for the immediate release of the abductees, detainees and those forcibly disappeared and their inherent right to life and freedom.
- To mobilize societal and official efforts, local and international, to support the mothers of the kidnapped, detained and forcibly disappeared people in their peaceful and legal pursuit of the release of their children and advocating their just demands.
- To remind the authorities and relevant authorities in the Republic of Yemen, headed by the legitimate government, of its constitutional, legal and moral responsibilities towards its citizens, in preserving their dignity and protecting their rights, as well as its commitment to Yemeni legislation and international legislation, to which Yemen has become a party represented in human rights law and international law.





## Report Methodology

The monitoring team of the Abductees' Mothers Association documented cases of violations against citizens in thirteen governorates including (Sana'a, Aden, Taiz, Hodeida, Ibb, Al-Baydha, Dhamar, Amran, Al-Mahweet, Hajjah, Sa'dah, Ma'rib, and Hadrmout) during the year 2020.

After the team worked to collect information about these violations and verify them by field visit and listening to the testimonies of the victims and their families.





## This report is based on the following methodology:

- The monitoring teams of the Abductees' Mothers Association listened and documented the testimony of «193» abductees who were released during the year 2020 from various prisons in the governorates of the Republic. They talked about the violations they were subjected to from psychological and physical torture and ill-treatment and depriving them of Visits and contact with the outside world and from health care during their period of enforced disappearance.
- The Abductees' Mothers Association designed an electronic form to document kidnapping and arrest cases via electronic communication as part of its procedures for insuring social distancing during the Covid-19 pandemic.
- The Abductees' Mothers Association relied on electronic media and virtual online encounters during the Covid-19 pandemic.
- The Abductees' Mothers Association held six meetings with the representative of the Office of the High Commissioner for Human Rights and human rights officials in the Office of the High Commissioner. It also held six meetings with protection officials in the International Committee of the Red Cross in which they presented all the violations related to kidnapping, detention and other violations that abductees and detainees in prisons and places of Detention were subjected to.
- The Abductees' Mothers Association met with the authorities in Aden and Ma'rib and raised complaints from victims and abuses related to kidnapping and detention.
- Preparing and reviewing the first draft of this report and verifying all information after it has been revised.
- The issuance of this report, entitled (Mothers at the gates of justice 2), which monitors and documents violations related to kidnappings, arrests and enforced disappearances during the year 2020.
- Distributing and publishing this report to official bodies, international organizations, United Nations agencies operating in Yemen, and civil society organizations.



## Executive Summary

The Abductees' Mothers Association monitored the violations of abductees, detainees and forcibly disappeared persons in the Republic of Yemen during the year 2020.

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- With regard to the assault on the right to life, the Abductees' Mothers Association monitored (9) abductees who died as a result of torture in prisons and places of detention, **"6" of them died** in the prisons of the Houthi group, and **(3) in the prisons** of Aden, which is under the control of the Security Belt forces affiliated to the Transitional Council backed by the UAE.
- The Abductees' Mothers Association monitored the death of **(3) abductees** as a result of medical negligence in the detention centres of the Houthi group, while **(5)** abductees died after their release from the prisons of the Houthi group as a result of the physical and psychological torture they were subjected to and the denial of medical care.
- With regard to the assault on the right to freedom, the Abductees Mothers Association monitored **(638) cases** of kidnapping and arrest, including **(565) abductees** in the prisons of the Houthi group, **(3)** women and **(17)** children, and **(32) detainees** were monitored by the Security Belt Forces of the Transitional Council, and monitored (36) detainees in the prisons of the legitimate government in the cities of Ma'rib and Taiz. The Association also monitored the detention of (5) kidnapped by the National Resistance Forces in the western coast.
- The Association monitored **(8) kidnapping** campaigns carried out by the Houthi group in the areas under its control, **"5"** campaigns, including those in Dhamar governorate, two in Sana'a, and a kidnapping campaign that was monitored in Hajjah governorate.
- The Abductees' Mothers Association also monitored a number of **(266) abductees** who were forcibly disappeared during the year 2020 by all the violation agencies in Yemen. «208» of these abductions were carried out by the Houthi group and **(32)** were forcibly disappeared by the Security Belt Forces of the Transitional Council, and **(21)** were at The legitimate government in the cities of Ma'rib and Taiz, and (5) for the National Resistance Forces in the western coast.
- The Abductees' Mothers Association monitored **(117)** cases that were subjected to physical torture by the Houthi group, and **(18)** cases were reported by the legitimate government that were subjected to physical torture, and **(14)** cases were reported by the Security Belt Forces of the Transitional Council.
- The Abductees' Mothers Association monitored **(604) cases** with the Houthi group, **(24) cases** with the legitimate government, and **(52)** cases in the prisons of the Security Belt Forces of the Transitional Council, who were beaten and ill-treated.



- The Abductees' Mothers Association received **(189) reports** regarding the denial of medical care, including (168) cases with the Houthi group, **(10) cases** with the legitimate government, and **(11) cases** in prisons supervised by the Security Belt Forces of the Transitional Council.
- The Abductees' Mothers Association monitored the violations that accompanied the progress of the trials against the abductees. A number of **(57) abductees** were referred for trial in the Sana'a Criminal Court, and the same court issued a death sentence against **(4) journalists** kidnapped since 2015, while (14) detainees were brought to trial in Aden.
- The Monitoring Department of the Abductees' Mothers Association documented (200) cases of those released, and the Abductees' Mothers Association listened to **(331) statements** from the of the victims' families regarding the violations that affected them and their abductees.
- During the year 2020, the Abductees' Mothers Association carried out **(36)** protests that were distributed over (5) governorates (Sana'a, Aden, Taiz, Ibb, and Hodeida). It also issued **(63) statements** and press and human rights reports.
- While the meetings amounted to «**81**» meeting with international and human rights figures, and sending **(21)** official letters and legal memorandums to a number of local and international personalities.
- The Abductees' Mothers Association, in partnership with the Euro-Mediterranean Human Rights Monitor, issued a human rights report entitled «The Black Shell» in April 2020.
- The Abductees' Mothers Association issued a weekly electronic newsletter introducing the issue of the abductees, the number of which was **(48)** in number, **(17) films** and flashes were produced, and **(18)** of which were press reports.
- The Abductees' Mothers Association held **(30)** events and seminars, and two hearing sessions for the released abductees.
- The Abductees' Mothers Association conducted **(18)** courses in the psychological support for the abductees' families.



## The violations the kidnapped and detainees Subjected to



### First: Assault on the Right to Life:

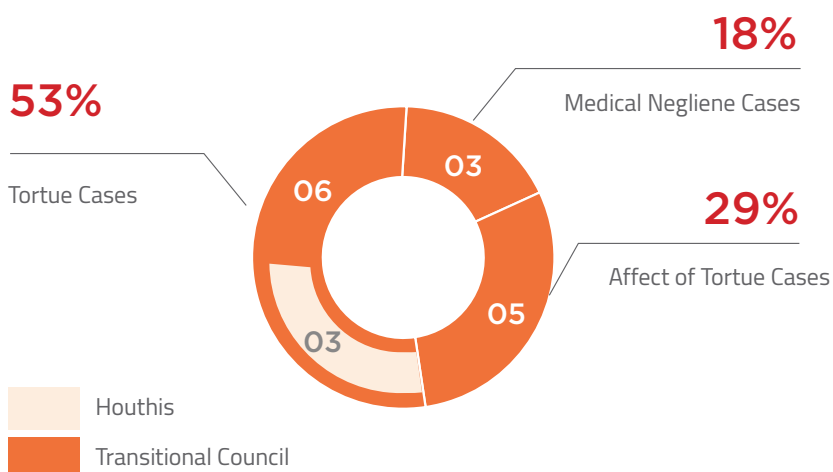
In the year 2020, the Abductees' Mothers Association monitored (9) cases of death in prisons under torture, including (6) cases in the prisons of the Houthi group in the governorates of Hajjah, Sana'a, Sa'dah, and Taiz, and (3) cases in places of detention supervised by the Security Belt Forces of the Transitional Council in Aden. The Association also monitored the death of (3) cases due to medical negligence in the prisons of the Houthi group in Ibb, Taiz and Hodeida governorates, while the Association monitored (5) deaths of kidnappers who died after their release as a result of the harsh methods of physical and psychological torture they were subjected to and neglecting their treatment during their detention.



**Table No. (1)** Highlights the number of the kidnapped people who lost their lives, along with the cause of their death

S. No	Governorate	Number	Cause of Death		
			Torture	Medical Neglect	Torture affect
	Hajjah	3	3	-	-
2	Aden	3	3	-	-
3	Ibb	2	-	1	1
4	Hodeida	2	-	1	1
5	Taiz	2	1	1	-
6	Sana'a	2	1	-	1
7	Sa'dah	1	1	-	-
8	Amran	1	-	-	1
9	Dhamar	1	-	-	1
<b>Total</b>		<b>17</b>	<b>9</b>	<b>3</b>	<b>5</b>

Kidnapped who lost their lives with the details of locations and assaulting parties.



Article (3) of the Universal Declaration of Human Rights states that: (Everyone has the right to life, liberty, and security of his person). The International Covenant on Civil and Political Rights also stated in Article (6) that (The right to life is an inherent right of every human being and the law must protect this right and no one may be deprived of his life.)





Table No (2) indicates the number of kidnapped who lost their lives, with the assaulting parties involved in their loss

S. No	Governorate	Number	Assaulting Parties	
			Houthis	Transitional Council
1	Hajjah	3	3	-
2	Aden	3	-	3
3	Ibb	2	2	-
4	Hodeida	2	2	-
5	Taiz	2	2	-
6	Sana'a	2	2	-
7	Sa'dah	1	1	-
8	Amran	1	1	-
9	Dhamar	1	1	-
Total		17	14	3

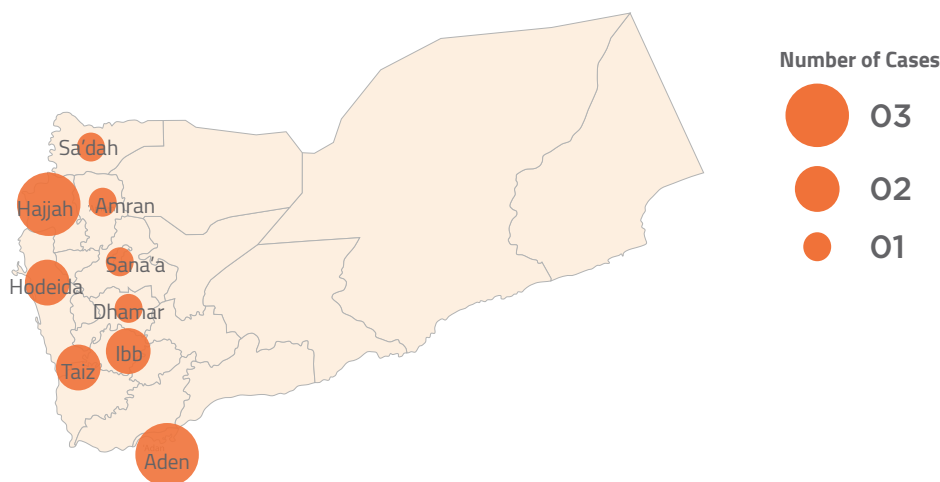


Table No (3) indicates the number of demised kidnapped and the reasons of their death and the caused parties of their death.

S. No	Cause of Death	Number	Violating Parties	
			Houthis	Transitional Council
1	Death under torture	9	6	3
2	Medial Negligence	3	3	-
3	Death of Torture affects	5	5	-
Total		17	14	3



## Incidents

### Mohammed Abdullah Mohsen Salbah (38) Hajjah Governorate

Muhammad Salbah was a teacher at Imam Ali School. He is a father of six children. He was kidnapped by Houthi gunmen on 8/20/2020 in front of the government complex at Hura Square in Hajjah governorate. He was taken to the house of "Mahdi Jaber Al-Hatef" a house of Yemeni opponent leader to Houthi militants, which was taken over by the Houthi group and turned into a place to detain and hide opponents. While his family searched for him in all the official prisons known to them, they found no trace of him. Some witnesses told them that the so-called (Ismail Fadhayl) kidnapped the victim and took him on a military vehicle to an unknown location.

According to the victim's family, they learned from private sources that he was tortured with electric shocks and deprived of food and drink, and a member of the Houthi group used a sharp instrument and caused wounds to his hands and neck, causing severe bleeding of the victim's blood and leaving him to bleed to death. Then his body was transferred to the mortuary in the Republican Hospital in Hajjah at midnight on 8/20/2020. In the following evening, the Houthi group informed the family of the victim that he had committed suicide, but his father refused to receive his body until the perpetrator was revealed and held accountable. It is known that those who are kidnapped and held in this place are handcuffed according to the testimony of a released kidnapped who were detained earlier in the same place. In addition, the kidnapped person is subjected to inspection and search upon his arrival at the place of detention and is not allowed to possess any tools that belong to him or possessing any sharp instrument that can be used in inflicting multiple wounds on the hands, feet and neck, as the Houthis claim.

It was found in the forensic doctor's report issued on 5/20/2020 that the injuries on the victim's body were as follows:

- Incisional wound to the front of the right wrist joint.
- Two superficial fissures in the right forearm.
- Incisional wound to the front of the left wrist joint.
- Three superficial cuts in the front of the neck.
- A superficial incision in the front of the left forearm.
- A superficial incision wound on the inner side of the left foot.

The report also indicated that the victim suffered cut wounds on the front inner side of the left and right wrists, which were caused by a sharp instrument of any type that resulted in complete cutting of the right and left radial artery and vein, and severe bleeding that resulted in his death. The report concluded that the cause of death was complications of cuts on the front of the left and right wrists.



After the victim's family refused to bury him until the perpetrator who caused the loss of the victim's life was handed over, the Houthi group was forced to admit in front of the victim's family that the victim's killing was by mistake by one of its security personnel, and that they imprisoned him for two months as a punishment for him for inflicting severe wounds on the victim's body. Houthis offered compensation amount of 3 million riyals for the victim's family in exchange for burying the victim and closing the case file, which was categorically rejected by the victim's family. The victim's body is still in the Republic Hospital's refrigerator on the pretext until the date of issuance of this report.

### **Ali Marzouq Al-Jaradi (18 Years) Sana'a**

Militants from the Houthi group kidnapped the young man, Ali Marzouq Al-Jaradi, from his home at the village of Khalaqah in Nehm District of the Sana'a Governorate on 26/2020/4/. He was taken to an unknown destination, and he remained hidden throughout his detention. His family did not know anything about his whereabouts until his family was contacted on 11/2020/10/ by the Houthi group to inform them that the victim committed suicide by hanging himself in the place of his detention. Houthis invited the family of Al-Jaradi to collect his body, which was preserved in the mortuary at 48 Thawra Hospital, south of the capital city of Sana'a.

A member of his family told us that they refused to receive the victim's body when examining it and the signs of torture were evident on it. They demanded that investigations be conducted into his death in his place of detention, which the Houthi group did not disclose to his family. The victim's body is still in the hospital refrigerator at the date of writing this report.

### **Abdu Saleh Swaileh (48 Years)- Taiz Governorate**

One of the released detainees from Al-Saleh prison, building of Abu Huria prison speaks: The victim told me that he was kidnapped from a checkpoint in Taiz governorate, 60th Street, on 9/2017/10/. He was tortured during interrogation several times by the guards on the accusation of being a leader with the resistance, even though the victim seemed to be suffering from a psychological disorder when he was taken into detention.

Abdullah Saleh was not allowed to communicate with his family at all during his imprisonment, and no one from his family visited him. After two years of his detention, the victim began to complain of pain in his chest, back and heart, although he was not complaining of any organic disease before he was kidnapped. He was asking for medical treatment, but he did not receive any response by the prison supervisors to treat him. On one occasion he was taken by the jailers to the front of the prison to take him to the hospital, but when the prison superintendent saw him he said: Take him back to the prison. He is telling a lie and has nothing in him, as the victim belongs to a marginalized group. On the night of his death, he was in pain and his voice was rising from the intensity of pain. He could not sleep, and at ten in the morning on 6/2020/2/, his colleagues came to wake him up, but he was no more.



### Abdul-Latif Dawood M. Dawood Rahim- Hodeida Governorate

The victim was held in Hunaish prison and had a fistula and the infection intensified in May 2020, and the superintendent of the prison called (Zulfiqar) refused to give him help except after pressure from his kidnapped fellows. He was treated at Al-Thawra Hospital in Al-Hodeidah. So the pus was cleaned and he was sent back to the prison. He was asked to use the antibiotic for ten days and then return to perform an operation. Indeed the victim used the medicine until he was on the tenth day. He, then, returns to conduct an operation for him, and indeed the victim used the medicine until it was on the tenth day, the prison security supervisor was changed to the so-called (Abu al-Nour). The new supervisor refused to allow the victim to go to the hospital and said: "We do not perform operations for anyone". So the victim told him "I just want you to help me go to the hospital and I will pay the costs of the operation. But the supervisor categorically refused. As a result, the victim returned with severe pain and nausea, so he went to the bathroom to answer the call of nature, but he fainted and fell into the wash basin. The kidnapped tried to rescue him and urged the supervisor to find a solution and aid the ill kidnapped; the supervisor claimed that the military vehicle has no petrol to drop him to hospital. Later, a bus came to aid the victim. He made goodbye to his colleagues and told them: "My children are in your custody, I am dying." His Kidnapped fellows tried to help him and lighten his pain but he continued saying "I am dying....I am dying... my children are at your custody" Then the victim was transferred to the hospital and died on 72020/23/ after his medical condition deteriorated in the hospital where he spent more than a month.

### Khadim Mohammed Zahri (56 years) Hodeida Governorate

Khadim Zahri used to work as a fisherman in the city of Hodeida. He was a father of ten children to support and support his mother and sisters. He had no political orientation, while his financial condition was closer to poverty. On 72017/10/, the victim left his home at eleven in the morning in order to bring medicine to his mother, who was with him in Hodeida to receive treatment. He was late returning home. So, his family tried to communicate with him, but his phone was switched off. The victim's daughter says: "We searched for him in all Hodeida police stations, but in vain. After days we found the owner of the motorcycle who had dropped my father, so we asked him about my father. He told us that when they were on their way to Zayed Street, two cars intercepted them and took my father by force to the car. When he refused to go with them, they hit him on the back with rifle butts. The kidnappers further threatened the motorbike driver with death if he tried to follow them.

We kept looking for him, and after days, a Houthi man came to us and said that he knew my father's whereabouts. He asked us for 50 thousand riyals in exchange for bringing us his clothes that he was wearing. We asked him for the clothes first, and then we will give him the money.

**The next day he brought my father's clothes. They were stained with blood. We realized at that time that my father had fallen into ruthless hands, and we did not know his whereabouts since then.**

According to the testimony of his former prison colleague (J. S) : "Zahri received the most brutal and heinous methods of psychological and physical torture, including:





- Beating on the feet and knees until his legs were swollen.
- Beating the front of the head with sticks and the back.
- Kicking in sensitive areas until the testicle is swollen.
- Suspension from the hands for long hours, strenuous exercises (ninth crawl).
- Slapping and kicking.
- Not to mention insulting, scolding and degrading.

According to the victim's testimony before his death, one of the relatives of the victim told us: "They used to place the bricks (bricks used in construction) on his back with his hands tied back, and it would be hung from 7 pm to 3 am."

He also mentioned that they used to put iron skewers on the fire and hit him on the back until he swelled, and they were not satisfied with torturing him in this ugly way. They would take a stick with a «pointed» head and hit him in the spine and shoulders until he suffered a tumour in the back. He was tortured in the house of Sheikh Yahya Munasser (one of the opponents of the Houthi group, his house was seized and turned into a place to detain and torture opponents) located on Sixteen Street behind the Political Security building in Hodeida, and he remained in it for more than three months during which the worst methods of torture were practiced on the victim.

Another witness, who was with him inside the prison (H. B), confirmed to us that "that the victim had a skin disease as a result of the intense heat in Hodeida. The pills and rash spread throughout his body. He could not sleep due to the severity of the pain. Yet, they did not show mercy to him and did not bring him even a pain killer tablet.

On October 24, 2017, he and a number of the kidnapped were transferred to the Political Security prison in the Shamlan quarter of Sana'a. He was brought to trial along with (21) kidnapped fellows. The victim's name was at the top of this list. After that, he was transferred to the prison (the Security and Intelligence Service in Sana'a). He was incapacitated from movement there due to torture and medical negligence. They (Houthis) brought him to the courtroom on a wheelchair.

Another witness who was with him inside the detention centre (Sh. D) told us that he and the victim were in one cell measuring two meters in length and a meter in width, called "Al-Daghadah" cooker. The victim was suffering from severe pain inside the detention centre. I used to massage him, and I talked to the security forces of the Houthi group that he was sick and his condition was getting worse every day. They refused to take him out. He was transferred to a room containing twenty kidnapped and without a bathroom. After his health deteriorated, they took him to the hospital, and the doctor told them that his condition was very bad. He was threatened with death at any moment!

The victim's sister says: "A year after his abduction, he called us, and the call time did not exceed one minute. He asked us to send a sum of money, and he sent us the recipient's name and asked us not to call the number. We continued to send out fees every month for the duration of his kidnapping.



On the date of February 19, 2020 AD, he called us and told us that he was ill and that he was treated at the hospital. The administration of the Security and Intelligence Prison in Sana'a asked us to come to Sana'a and bring a commercial guarantee, on the condition that the guarantor is from Sana'a city itself. We went to Sana'a, but they did not allow us to visit. After several attempts we were able to visit him, and here was the shocking tragedy. When I saw him, I screamed and panicked, I did not believe that he was my brother. He was a lifeless body lying on the ground due to the severity of torture. Yet, they did not allow him to leave, nor even treat him. We went to search on the authority of guarantor. After several days, we, thanks to God, got a warrant. My brother was taken out. We travelled with him to Hodeida and then to Al-Khowkhah, in order to see his mother, whose heart was broken. She could not see or reassure about him even once for the last three years of his abduction.

### **My brother received the most heinous methods of torture, all of which were inside Houthi detention centres during his kidnapping in Hodeida and Sana'a.**

After his discharge on 32020/28/, we took him to Aden to treat him there but in vain because the doctors were unable to treat him. We were recommended to transfer him abroad. But at that time all trips were suspended due to the lockdown resulted from the Corona virus. So we brought him back to Al-Khokha district. We sold a piece of land and decided to take him to Sana'a on the hope we find treatment for him there. We took him to the best hospital in Sana'a, and spent more than (12 million riyals), but without benefit or any improvement. The doctors advised us to travel outside Yemen to treat him. A month later, the trips abroad were opened. We sold the last piece of land we possessed and travelled with him to Egypt, where he underwent a hip transplant operation. After 57 days we were stunned by his death on 122020/8/. He was buried in the Arab Republic of Egypt.

### **Mustafa Abdullah Hamoud (36years) Ibb Governorate**

The victim had been working in the Kingdom of Saudi Arabia for several years. In August 2019 he decided to return to Yemen to spend the vacation with his family. On his way back he was detained at one of the Houthi checkpoints in Al-Bayda governorate with some gifts that he bought for his relatives, clothes for his young children and an amount of 40,000 Saudi Riyals, all that he saved in his exile. He remained in detention for three months, and his family did not know anything about him except that he left Saudi Arabia heading to Yemen. The family published his pictures on social media as missing and they searched all the places they expected him to be, but in vain. News sources reached them that he is being held in the Criminal Investigation Department in Ibb governorate. The source told them that his health condition is very poor and that he is not receiving any medical care in his place of detention. So, his father went with some family members to visit him. They asked the security personnel to help the victim and his family will pay all the costs of treatment. The victim was transferred to the hospital under heavy security procedures. The family members of the victim were surprised that he could no longer recognize his father or any of them. It became clear that he had contracted liver disease during his detention. Although no charge had been proven against the victim, he was not released until after the intervention of local mediators in January 2020, at a time when his health condition had reached a dangerous level and the victim was no longer able to walk or stand except with great difficulty. Mustafa died on 32020/11/.



# SECOND:

## Assault on the Right to Freedom



### A- Kidnapping and Detention

The right to freedom is one of the most sacred rights that have been protected by all international laws, agreements and treaties related to human rights, foremost of which is the Universal Declaration of Human Rights. Local laws and the country's constitution have not overlooked them too. The Yemeni constitution stipulates in Article (48 / A): "The state guarantees citizens their personal freedom and preserves Their dignity and security, and the law defines the cases in which the citizen's freedom is restricted, and it is not permissible to restrict anyone's freedom except with a judgment from a competent court." The constitution prohibits arrests, searches, and detention other than those who are caught red-handed, based on a judicial order or an order from the Public Prosecution Office.



- Article (11) of the Criminal Procedures Law states: “Personal freedom is guaranteed. A citizen may not be accused of committing a crime, and his freedom is not restricted except by order of the competent authorities.”
- Article (3) of the Universal Declaration of Human Rights stated: «Everyone has the right to life, liberty, and the safety of his person.»
- And in the International Covenant on Civil and Political Rights, Article (91/): “Everyone has the right to freedom and security of his person. No one may be arrested or detained, and no one may be deprived of his freedom except for reasons stipulated by law, and in accordance with the procedure established therein.
- The Yemeni Penal Code also stipulates: “Imposing a prison sentence of up to five years against officials who wrongly deprive people of their liberties.”

Meanwhile, the incidents of kidnappings and arrests of civilians by all parties of the violation continue (the Houthi group, as well as the Security Belt Forces of the Transitional Council, the security forces of the legitimate government in the governorates that fall under its control and the West Coast forces). Abductees’ Mothers Association has recorded (638) assaults to persons, including (565) were kidnapped by the Houthi group, and among the kidnapped were (3) women and (17) children. The Security Belt Forces of the Transitional Council detained (32) citizens, and the security forces of the legitimate government arrested (36) citizens, and (5) citizens were detained by the National Resistance Forces on the western coast.

The Abductees’ Mothers Association recorded and documented those kidnappings and arrests for the year 2020 as list in the following table:

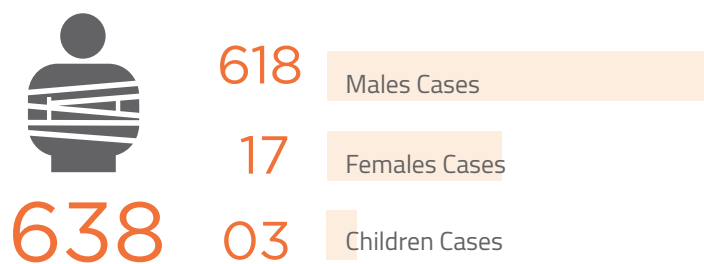






Table (4) shows the cases of reported kidnappings from the period January 2020 to the end of December 2020 according to the category

S. No	Governorate	Number	Category		
			Males	Females	Children
1	Dhamar	188	175	3	10
2	Hajjah	69	69	--	--
3	Sana'a	67	67	--	--
4	Hodeida	42	42	--	--
5	Almahweet	61	54	--	7
6	Ibb	43	43	--	--
7	Sa'dah	29	29	--	--
8	Taiz	37	37	--	--
9	Albaydh'a	34	34	--	--
10	Aden	25	25	--	--
11	Hadrmut	3	3	--	--
12	Marib	21	21	--	--
13	Amran	19	19	--	--
Total		638	618	3	17

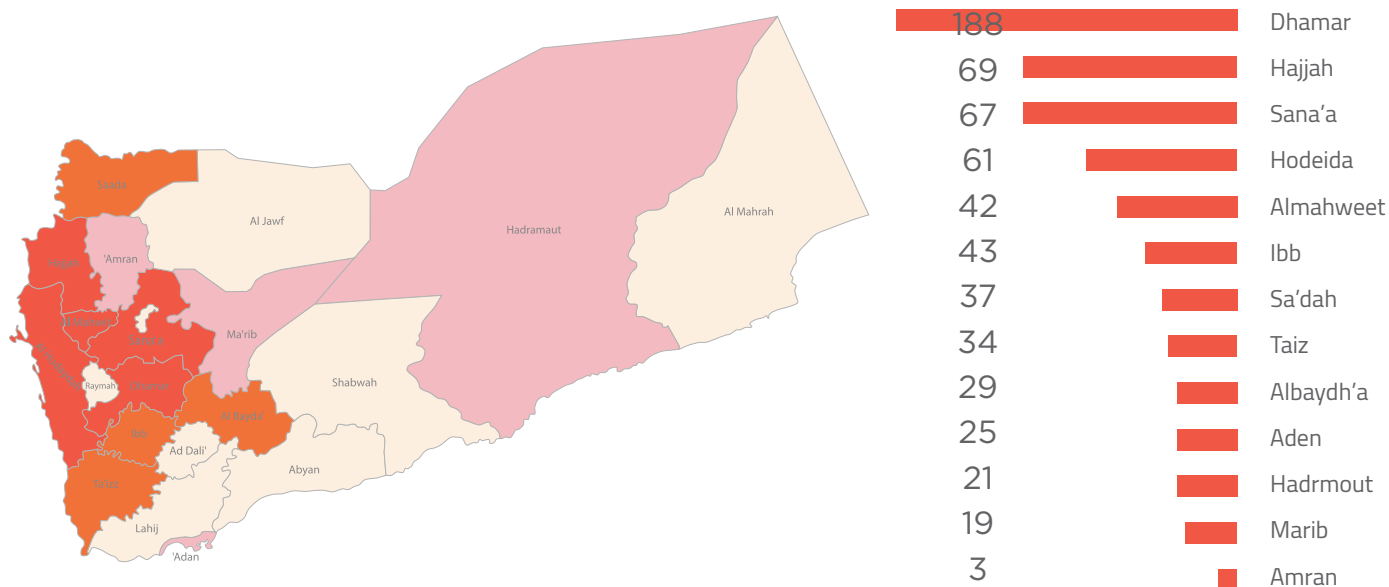
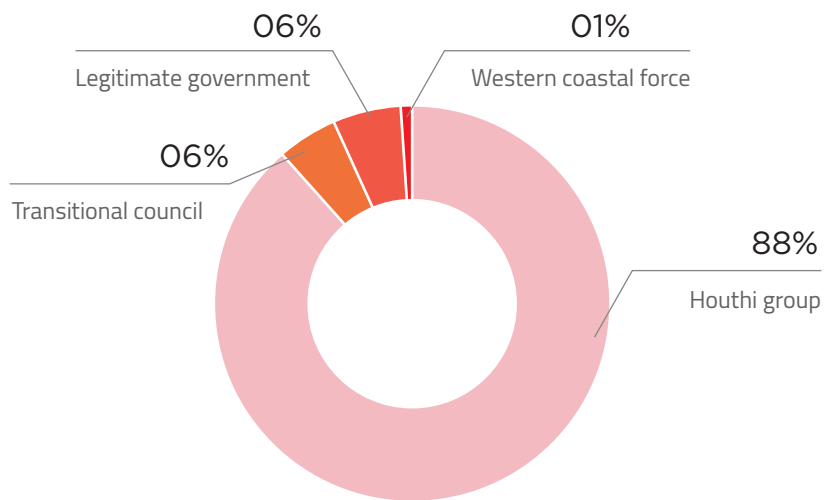




Table (5) shows the cases of reported kidnappings from the period January 2020 to the end of December 2020 according to the violating party

S. No	Governorate	Number	Violating Party			
			Houthi group	Transitional council	Legitimate government	Western coastal force
1	Dhamar	188	188	--	--	--
2	Hajjah	69	69	--	--	--
3	Sana'a	67	59	--	6	--
4	Hodeida	61	36	1	1	4
5	Almahweet	61	61	--	--	--
6	Ibb	43	43	--	--	--
7	Sa'dah	29	29	--	--	--
8	Taiz	21	19	4	11	1
9	Albaydha'a	34	34	--	--	--
10	Aden	25	1	24	--	--
11	Hadrmout	3	--	3	--	--
12	Marib	21	3	--	18	--
13	Amran	19	19	--	--	--
Total		638	565	32	36	5





## Incidents:

### A G. (31 years) Dhamar Governorate

An armed Houthi group stormed the victim's house at 5 am on 4/2020/14/ in Dhamar city. They kidnapped the victim and took him to an unknown location. His family did not know anything about him, until 10/2020/18/ when he was allowed to contact his family for a minute and a half only. He told them that he is imprisoned in Sana'a and asked them to send him some cakes and clothes. His family did not know where to send the wanted things for him. So they delivered the cakes and clothes to the Grievances Committee in Dhamar, but the committee returned the clothes and cakes back after a week. His family did not know how to reach his needs that he requested. He called them a month after his previous contact and told them that they were allowed to visit him in the Security and Intelligence Prison in the capital city of Sana'a. His family went to visit him for the first time since his abduction on 12/2020/19/. When his family was asked about the accusation under which he is being held in prison, the Houthi supervisor answered them that the investigation is still ongoing with the victim.

### M. N. A. (50 years) Taiz Governorate

The victim recounts: "I was kidnapped by the Houthi group. I, then, was released in February 2020. Ten days after my release from the prisons of the Houthi group, military vehicle belonging to the 22nd Brigade of the legitimate forces in Taiz governorate, carrying a number of armed men came and stormed my house which is located in Ash-Shamasi area of Taiz at twelve o'clock midnight. They broke the door of the house. I was threatened with death if I refused to go with them. They arrested me, blindfolded me, and took me to the former governorate building located in the Haoudh al-Ashraf area. There, I was subjected to torture, merciless beating and bad treatment because I was accused of affiliation to the Houthi group.

I was held in the governorate building for seven days, and after that they transferred me to a prison located in the As-Saha area. The place was very dark and narrow, as the space of the area was one meter by one meter. I stayed there for a month and my family was not allowed to visit me during my detention in that cell. I was then shifted to the national security jail in Taiz. I stayed there for a whole month. Their treatment of me in the national security prison changed for the better in terms of care and concern until I was released.

### M. A. H (34 years) Aden Governorate

The victim says: "I have been working as a bus driver for one of the mass transit companies since 2012. On one of my trips from Aden to Sana'a, and upon my arrival at the southern entrance to the capital, Sana'a, specifically in the Qaa al-Qaidi area at twelve midnight on 7/2020/2/, I was stopped by a checkpoint. They were Searching for the purpose of identifying passengers. The tickets for two passengers, a woman and her brother, were objected. They found that the names on the tickets do not match the names in their IDs. So, we were delayed for two hours for that. The military operations were reported, and I was transferred to the transport authority and detained with the bus until the



next day. The next day 8/20/20, a number of company officials came to get the bus out, while I was transferred to the Security and Intelligence detention centre in Sana'a for interrogation. They put me in a group ward with some detainees. I stayed there for two months. On 4/20/20, they filmed me from all four sides and then transferred me into a cell in solitary confinement in the basement (an underground floor). I was beaten up, tortured and ill-treated for four months.

I request meeting the prison director, but my request went in vain. Then they returned me to the collective prison. I stayed there for three months while the investigation continued, after which I was informed of the release on condition that I give up my job, all my financial rights in the company, not to enter the northern governorates (areas that fall under the control of the Houthi group) and not to change my phone number. I undertook and pledged this in exchange for my freedom. On 3/20/20, I was released and they told me that they did not find anything that would incriminate me during the period of my detention, which amounted to 9 months.



## B- Enforced Disappearance

Enforced disappearance is one of the worst forms of human rights violations. It is a crime under international law. Enforced disappearance is a double human rights violation as it often involves psychological and physical torture of the victim and constitutes a serious threat to the right to life of the disappeared. It is a violation of the right of his family as well because they are unable to check on his life or health.

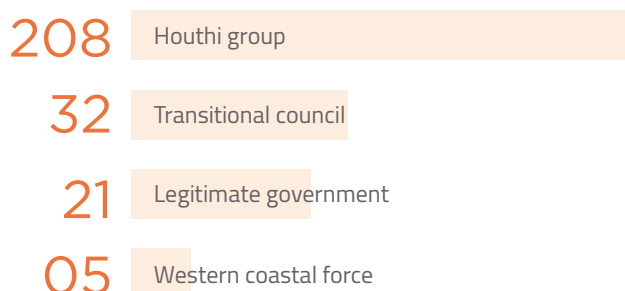
The Yemeni constitution prohibits detention in places other than those governed by the Prisons Organization Law. Article 48 / B stipulates that: "It is prohibited to detain or abduct any person in places other than subject to the Prison Regulation Law. Torture and inhuman treatment are prohibited upon arrest, or during the period of detention or imprisonment."



The International Convention for the Protection of all Persons from Enforced Disappearance as stipulated in article (17): "No one may be imprisoned in an unknown location." The United Nations Declaration on the Protection of All Persons from Enforced Disappearance included a number of provisions aimed at preventing disappearances and stipulated in Article (10) that: Detainees must be detained in officially known places of detention, and their families must be notified of them immediately, and they must be allowed to meet with lawyers. And that every detention center should include a recent record of all persons deprived of their freedom in it.

Table (6) figures the number of the forcefully abducted and the assaulting party

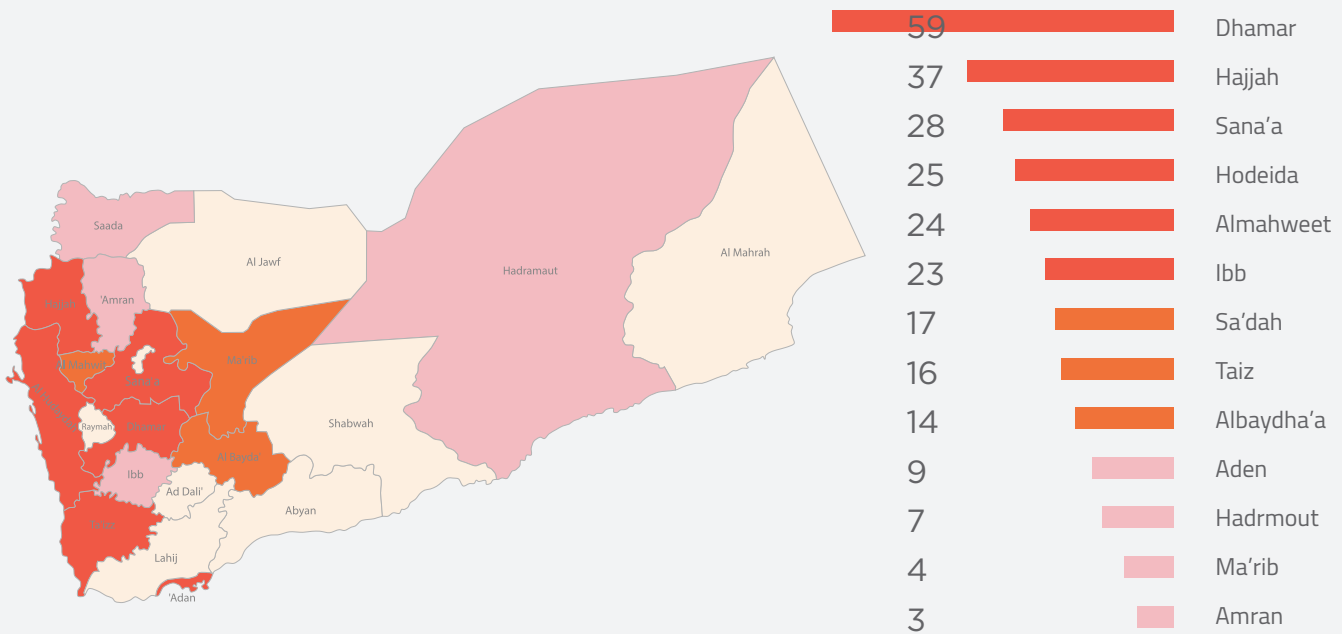
S. No	Governorate	Number	Violating Party			
			Houthi group	Transitional council	Legitimate government	Western coastal force
1	Dhamar	59	59	--	--	--
2	Hajjah	37	37	--	--	--
3	Sana'a	24	24	--	--	--
4	Hodeida	28	28	--	--	4
5	Almahweet	17	17	--	--	--
6	Ibb	4	4	--	--	--
7	Sa'dah	9	9	--	--	--
8	Taiz	23	11	4	7	1
9	Albaydha'a	14	14	--	--	--
10	Aden	25	1	24	--	--
11	Hadrmout	3	--	3	--	--
12	Ma'rib	16	3	--	13	--
13	Amran	7	7	--	--	--
Total		266	214	32	21	5



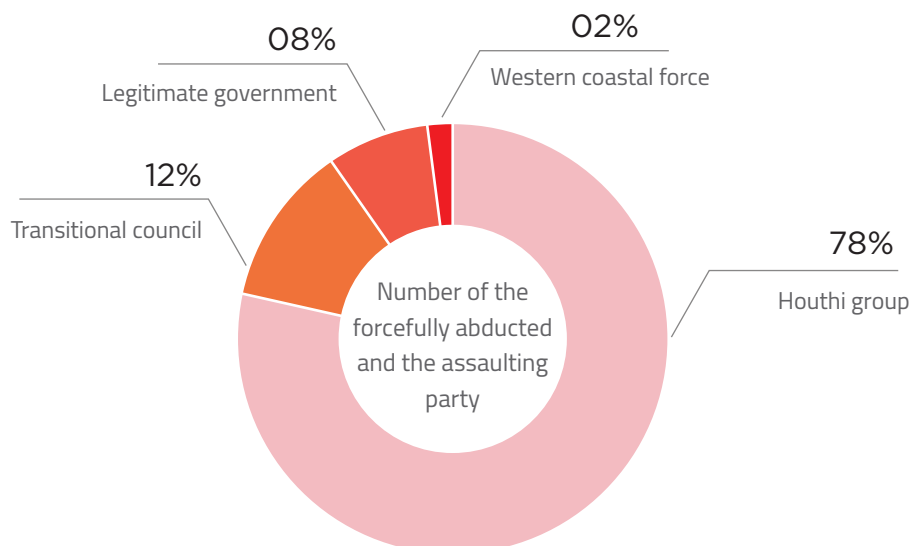




Number of the forcefully abducted and the assaulting party



Anyway, according to the Abductees' Mothers Association monitoring, a number of (266) abductees were subjected to enforced disappearance during the year 2020, of whom (208) were hidden in places of detention belonging to the Houthi group, (32) were hidden in the prisons of the Security Belt Forces of the Transitional Council, (21) detainees were subjected to disappearance in The prisons of the legitimate government and (5) citizens were subjected to disappearance by the National Resistance Forces on the western coast.





## Incidents

### Tawfeeq Abdul-Raheem As-Sabae'i (43) Taiz Governorate

The victim was working as an imam for a mosque in the State of Kuwait. On Eid al-Adha, he returned to his village to visit his family. A person from al-Makha city (Mokka) trapped him and claimed that he was the head of the Malak Charitable Foundation. He contacted with the victim by phone and told him that he wanted to give him financial support to sponsor orphans in his area (Al-Mesrakh) district, and he sent him a sum of money to reassure the victim of the truth of his speech. He then asked the victim to come to the al-Makha region to give him the rest of the amount. Indeed, the victim went to al-Makha on December 26, 2019. He reached a checkpoint at the entrance to al-Makha from the direction of Aden. The officers arrested him, and then took him to an unknown location.

The victim's brother says: "The so called (Ahmed Salem Awad) called my brother and asked him to travel to al-Makha region in order to give him some money to sponsor orphans. He claimed that he was from the Malak Foundation (which later turned out to be a fake institution).

My brother travelled from Taiz with his Prado car to al-Makha district. There his car was shot at al-Amari checkpoint in Dhubab area in al-Makha. He was stopped by two crews on them armed gunmen in civilian clothes belonging to Tariq Afash's forces. My brother was forcefully taken to the port of al-Makha. Three days later, he was transferred to Anbara prison in Al-Khowkhah area, according to what military police personnel told us. Since that day we have not been able to communicate with him, hear his voice or even to visit him. The victim is still missing since he was kidnapped in December last year.

### A. E. Q (39 years) Ma'rib Governorate

The victim was working as an engineer for electronic networks at the University of Sheba Region in Ma'rib Governorate. In February 2020 a businessman asked him to come to Al-Jawf Governorate to connect electronic networks related to his commercial business. On his way to Al-Jawf on 32020/3/, a checkpoint stopped him. He did not know that a Al-Houthi group had taken control of that site. The security personnel at that point asked him about his identity and his work that follows the legitimate government, he answered them, thinking that they belong to the legitimate government. They kidnapped him, accompanied by two of his friends. They were taken to an unknown location. Their families did not know anything about them until one of them was able to contact his family secretly and informed them of their kidnapping by the Houthi group.

The news of the victim and his colleagues stopped until he was allowed to contact his family on 92020/17/, telling them that he was being held in the Central Security in Sana'a.



The victim's wife says: "We have not been allowed to visit my husband since he was kidnapped in March 2020. We heard his voice for the first time in September telling us that he was being held in the Central Security asking us to send him a sum of money. He calls us now only once every month. We have not been able to bring him clothes or food, and we do not know what the charge for which he is being held for so long.

Three kidnapped persons from Al Mahwit governorate have been hidden since 2015

The Houthi group kidnapped three persons from Mahweet governorate. The kindapped are:

- Abdul Aziz Ahmed Ahmed Sa'ad Al-Aqily
- Saghir Ahmed Saleh Fare'a
- Esmail Mohammed Abul-Ghaith

They were hidden from their families and were not allowed to call or visit during the period of their abduction. Their families did not know anything about their fate until one of the released persons contacted them and told them that he met these kidnappeds on 72020/23/ in the National Security Prison in Saref area in the capital, Sana'a. They told him that they have been hidden since the year 2015.

### **Abdul Aziz Ahmed Ahmed Sa'ad Al-Aqily (45 years) Al-Mahwit Governorate**

The victim was working as a teacher in one of the schools in Al Mahwit Governorate, Hufash district. After effort of saving an amount from his simple salary, he was able to build a small house for him and his family. He went to the city of Bajil in Al Hudaydah Governorate, which is the closest city to his rural area, in order to buy doors and windows for his new house. While he was in the city of Bajil, some of his friends called him telling him that the Houthi gunmen were searching for him after the kidnapping of a number of his friends on the grounds of their affiliation to the Islah Party which opposed to the Houthi group. He called his family and told them that he would find a safe place for him, and he would call them upon reaching the safe place.

His last contact with his family was on 72015/29/, and his family did not know anything about him other than news reported by some village residents about his kidnapping by the Houthi group. Six months after his news was cut off, the victim called his brother and told him that he was being held by Ansar Allah (Houthis). When his brother asked him about his whereabouts, he told them that he was being held in Yemen, and that was enough. The family kept waiting for any news about him to come but in vain. There was some unconfirmed information disclosed about his detention place in the Political Security detention and that his health condition is very critical.



His wife says: «My husband was forcibly disappeared and we have not obtained any confirmed information about him except that he is being held by the Houthi group, as stated in his only contact with us since his abduction. His father died sorrowfully on his kidnapped son. Later on, we were surprised that someone sent us a picture of my husband crying in a place that appears to be a prison and told us that this is a picture of my husband. He was crying because of his father's death while he is far from him.»

### **Saghir Ahmed Saleh Farea (43 years), Al-Mahwit governorate**

The victim disappeared from Aya crossroad street in the capital city of Sanaa on 9/2015/23/. His family did not know anything about him except that he is being held in the Security and Intelligence building in Sanaa, as they were told by a Houthi supervisor. The victim used to work as a teacher in one of the primary schools and had voluntary activity in his village. He used to collect financial donations and distribute it to the poor beneficiaries of his village.

The victim's brother says: "The kidnapping and hiding of my brother was due to fabricated accusations by some of my relatives who accused him as an activist of the 2011 youth revolution. We tried in various ways to communicate with legal agencies, but in vain, as all security authorities deny his availability in their detention centres.»





### Third: torture and ill-treatment:

Torture is prohibited in the International Law, even in times of war or emergency. It is one of the most heinous crimes that can be committed against a human being. The violating party often aims to extract statements and confessions under pressure from the victims. The victims are stripped of their human dignity by committing cruel and deliberate acts against them.



Table No. (7) shows cases of torture, beatings, ill-treatment and medical negligence according to the violators

S. No	Assault	Violating Party			
		Houthi Group	Transitional Council	Legitimate Government	Total
1	Physical Torture	117	14	18	149
2	Beating & ill-treatment	604	52	24	680
3	Medical Negligence	168	11	10	189
	Total	889	77	52	1018

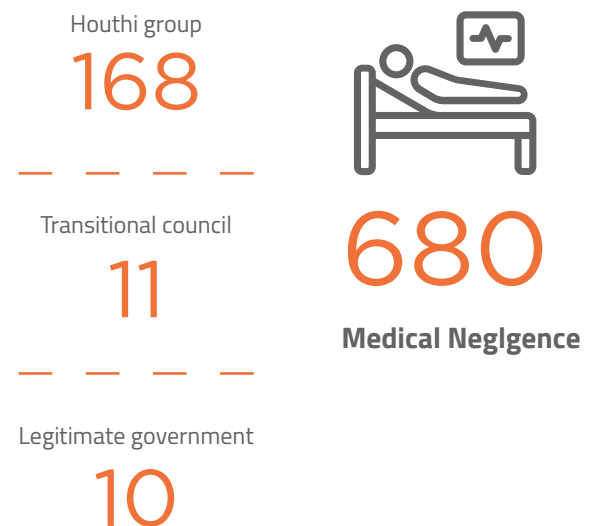


The kidnapped civilians are subjected to torture and ill-treatment from the first moments of their abduction. The violating parties (the Houthi group, the Security Belt Forces of the Aden Transitional Council and the security authorities of the legitimate government) practice physical as well as psychological torture to force the kidnapped and detainees to say what is dictated to them and sign blank papers that are filled with accusations by the kidnapping authorities.





Prison and detention administrations practice beatings and ill-treatment as a means of violating the dignity and humiliation of the kidnapped person. This greatly affects their psyches during and after the kidnapping period. They are humiliated and tortured to silence them from demanding their natural rights like improving their meals, providing safe drinking water, demanding a medical examination or providing medicine, or as a punishment for their objection to the procedures of illegal and inhuman imprisonment. The violating authorities did not care about the detainees' health status. They did not provide the abductees with the necessary medical care, medicines and medical examination. Rather, they often used medical negligence as a punishment against these detainees, leaving them to cry out of pain and suffering without paying attention to them or respecting their humanity.





## Incidents

The incident of collective torture of the abductees in the Central Security Forces camp in Sana'a:

The Association team listened to a number of those released from the Central Security Camp and talked about incidents of torture and ill-treatment in the Central Security Camp where they were being held. From these testimonies:

### The released abductee (K. A. A)

I was detained in one of the houses allocated by the Houthi group to hide the abductees. We were, then, transferred to the central security camp in Sana'a on October 3, 2019. I was prevented from my family visit for two years. I was allowed to call for five minutes every twenty days only in which we ask the family to send money to us. Later the spam period increased up to three months in order to allow us five minutes during which we communicate with the family, and we are in dire need of the money because the nutrition provided to us in the prison was not acceptable in terms of cleanliness, quality and quantity.

One of the kidnapped managed to obtain a mobile phone through one of the security personnel. We used it secretly until it was Tuesday 7/20/20 that this phone was discovered in the possession of one of the kidnapped at nine in the evening. So they began to take out a group of (12) kidnapped. I was one of them. After a short time, a group of riot control personnel came with teargas grenades. They were heavily armed. They took out everyone in the ward. We were about (100) kidnapped. We all were subjected to a thorough search in a humiliating manner that did not exclude any area of the body. They sprinkled us with cold water and hit us with batons, iron rods, electric wires, and rifle butts on our backs, faces and heads until some of us had broken their ribs; and blood drips from our heads and backs.

They were not satisfied with that. They further brought salt and poured it on our bleeding wounds. They bad shouted insults and obscene words hysterically and threatened us with assaulting our wives and mothers indecently.

I was lying on my stomach, my hands were tied to my legs, and one of them was stepping on my face with his feet. Blood flowed from my head, eyes, and back until I lost balance in my body. Then they transferred (12) abductees of us to small cells without mattress or cover sheets. The cell could not accommodate the detainees except while they were standing there. So we used to take turns sleeping in it even though there were neither blankets nor mattresses in it.

On the next day, we were beaten up by Abu Hussein and Abu Turab, who are in charge of the Prisoners' Committee of the Houthi group. This was in the presence of Abdul Qadir Al-Murtadha, the head of the Prisoners and Detainees Committee of the Houthi group., We saw him from the cell holes while he witnessed the incidents of beating and torture of the kidnapped. The effects of torture are still visible on our bodies especially my colleagues Hayez Hajil and Ibrahim Ghandari. Despite the passage of a whole year, the effects of the severity of the torture that we suffered are still visible.



We were kept for 45 days, isolated from the rest of our colleagues in cells that lacked the most basic elements of humanity. We were denied entry to the bathroom for two days. We, then, were allowed to enter the bathroom for only a few minutes throughout the day. We were not allowed to bath or wash our clothes. So insects, including lice and fleas spread in our clothes and bodies. Our wounds resulting from their brutal torture were suppurated.

- In another testimony, the released kidnapped person (F.S.) said that the Houthi security personnel in the Central Security Camp searched the kidnapped after they suspected that one of them had a phone (he bought it from a security officer months ago and was using it to communicate with his family). When they found the phone in his possession, they punished all of us. We were stripped of our clothes, except for the underpants. They took us out to the camp yards at 10:00 pm on 12/02/20 and forced us to stand up with being sprayed with cold water despite the fact that the air temperature in Sana'a drops significantly in the winter season. We remained in this situation until seven in the morning. Some could not bear it. The security personnel were beating any kidnapped person who fainted with electric cables until he woke up and then was forced to stand up again.
- Among the kidnapped were two elderly men unable to stand. One of the security officers severely beat them and burned their beards with fire.
- One of the kidnapped had a spine slippe. He could not stand, so he fell to the ground. One of the security personnel called (Abu Jalmud) came and hit him with electric cables and jumped on his back with his heavy military boots while shouting religious slogans related to the Houthi group.
- They were not satisfied with this torture in collective punishment of the detainees, but for a period of two months they prevented us from buying water and food from outside the prison. We were forced to drink from contaminated water in the prison. We were also restricted in using the bathroom as we were allowed a few minutes at specific times, and were not allowed to have baths or wash our clothes after this incident.

### **Amran Ali Nasr (33 years) Taiz**

The victim says: "I was a student in Ma'rib governorate and my mother died suddenly in Taiz governorate. My brother and I decided to travel to Taiz via the sea route because the Shaqra road in Aden was cut off due to armed clashes between the security belt forces of the Transitional Council and the legitimate government forces. We were arrested in Al-Buraiqa area, which is a district affiliated to Aden governorate, on May 15, 2020 by a person called Muhammad Qasim Al-Zubaidi, who is affiliated to the Security Belt Forces of the Transitional Council and took our personal documents and belongings, such as clothes, medicine, and others.

We were detained in al-Buraiqa police station from 6 am until 12 mid-night. Later, we were transferred to the Sawlaban camp. They practiced with us all kinds of torture and ill-treatment there.



We were interrogated several times and the charges against us were that we were sleeping cells belonging to the legitimate government. I told them that my brother and I were traveling in order to take my mother's last farewell look and that our family was waiting for us to bury her, but they did not have mercy on us. They rather held us in solitary cells measuring one meter by one meter. They intimidated us by firing bullets at the cells in which we were held under the pretext that if we did not confess, they would kill us. We were scolded, insulted, threatened with death, and beaten with the butts of the weapon.

The cells in which we were detained were dark and full of dirt. We were suffering from extreme heat, as there were no fans or good outlets for ventilation. Water was yellow in color and had a bad smell. We were forced to drink it because there was nothing else. We were allowed to enter (the bathroom) every three days only.

I was suffering from infections and atrophy in the kidneys. I had my medicines, but at the time of my arrest my medicine, and all my belongings were taken from me and they did not return them to me, which led to the deterioration of my health condition. During the entire period of my detention, my brother and I were not allowed to communicate with our families until ten days before our release. The reason was that they tolerated us to communicate with our family just to request a ransom of two million Yemeni riyals. My family paid the amount to them, and we were released on 07/20/2019.

### **Ashraf Mohammed Sa'ad Qaderi (17 Yrs) Hodeida Governorate**

The father of the kidnapped, Ashraf Qaderi, says: "My son was registered with the security forces to maintain order in the General People's Congress party ceremony to commemorate the murder of the late President Ali Abdullah Saleh.

On the day of the ceremony on December 4, 2019, I went to attend the party at eight in the morning. I did not find Ashraf in the organizing team of the occasion. I asked about him, they told me: "Three people came in a car and took "Ashraf" and others to Al-Anbra under the pretext of helping them prepare lunch for the guests."

I went at six o'clock in the evening and asked about him. They told me: "He is inside, the guests are still there, and when they finish and the party guests leave, he will return home."

The first day passed and Ashraf did not return to the house. So, I went to search for him the next day, but couldn't find him. I kept looking for him asking everyone I know until I came to know after 18 days that my son was kidnapped inside (Abu Musa Al-Ashari) prison in Makha on the accusation that he was going to blow up the party, he was in contact with the Houthi group, and that he belongs to the Houthi militant intelligence inside al-Khokha region, even though my son at the time was 16 years old and his mental abilities were very limited (less than the normal limit for those of his age).

I asked them to allow me to visit him, and I went to his place of detention, but they did not allow me to even hear his voice on a call to check on him. The first month, the second month, the third



month passed, and they did not allow us to visit him until eight months later. On (July 2020) we were able to visit him for the first time. We saw exhaustion and fatigue appearing on him. He was very collapsed, and there were signs of torture on him. We sent a number of messages and mediations to the leader of the region, Tariq Muhammad Abdullah Saleh, calling on him to release my son, who was kidnapped, hidden, and tortured in the camp of Abu Musa Al-Ashari, which is affiliated to the national resistance in the West Coast led by Tariq Muhammad Abdullah Saleh, but in vain.

### **Aseel Suwaid (23 yrs) Taiz Governorate**

The victim spoke about his kidnapping incident: "At 3:00 am in the morning of Friday, May 1st, 2020, I set off from Taiz governorate, Al-Turbah towards Aden governorate via taxi buses. On the way we were stopped at a checkpoint where I do not know its exact location. It is located in Lahj governorate. I was surprised by unidentified armed men stopped the car that was carrying me and took me for no reason. In fact, I could not know whom they belong to, nor could I predict the justification for that kidnapping. I was detained in several secret places, the location of which I do not know. I was forbidden from eating and drinking except from the leftovers of the kidnappers' food. The food remaining was nothing but crumbs, and once a day.

I was interrogated for long periods of time, and every time I was tortured with violent beatings, electric shocks, shackling and suspension, and when I fell asleep after every torture session from the severity of fatigue, they scared me with the sounds of bullets they fired to scare me, until death became my dream.

I learned that my kidnapping was due to my media work as a photojournalist and my participation in media work for Al-Jazeera. «

The victim's brother says: "I received a call on 52020/29/ from an unknown person informing me that Aseel was detained there with them. I have to come to collect him in Al Wahat, specifically the market in the Merja's area, in Lahj governorate. I couldn't believe it at first and I asked them to listen to my brother's voice to make sure. When I heard his voice I was sure that it is my brother, I immediately contacted one of my relatives, who moved quickly to the same location. Upon his arrival he found Aseel in the possession of the gunmen. They delivered him to my friend.

The car carrying my brother and relative moved towards Taiz. On the way they told me that an unknown car was following them and watching them. It did not stop until they reached al-Rabou'a area.

At Al-Rabou a crossroad, I met my brother after a long absence. We then, headed towards the city of Taiz, in which an authentic medical aid was given to Aseel in the hospital to check on his health, as the effect of torture fatigue and exhaustion were clear on his body.



# Fourth:

## Assault on The Right of Fair Trial

### Fair and Just Trial and its conditions

A fair trial is one of the basic human rights. The international community has put in place a wide variety of standards to ensure a fair and fair trial. They aim to protect the rights of individuals from the moment of their arrest, during their detention, and before they are brought to trial, when they are tried, and until the last stages of appeal and cassation.

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The International Charter, the provisions of the Yemeni constitution and the provisions of national laws related to human rights, which included principles and foundations related to respect for the individual and the principles of justice, which paved the way for the start of achieving a fair and fair trial system. It came to address articles and standards as follows:

### **1. Right to Presumption of Innocence:**

(The origin in the human being is innocence). Article (11) section (1) of the Universal Declaration of Human Rights states: (Every person accused of a crime is considered innocent until he is proven guilty and has committed his crime legally in a public trial in which he has all the necessary guarantees to defend himself. This right is stipulated in Article (36) of the Body of Principles and in Article (14) of the International Covenant on Civil and Political Rights. The principle of Presumption of Innocence must be in effect from the moment the person is arrested until the conviction is confirmed at the final trial stage. Thus, the burden of proving the charge falls is the responsibility of the public Prosecution. The comment of the Human Rights Committee states the meaning of the presumption of innocence, which means that the burden of proving the charge rests upon the Prosecution and that the doubt is interpreted in favor of the accused.

It cannot be assumed that the accused is guilty until the accusation is proven, leaving no place for any reasonable degree of suspicion. This principle is confirmed by the Yemeni constitution in its Article (46) thereof, (every accused is innocent until proven guilty by a final court) as is confirmed by section (4) of the Punitive Procedural Code.

### **2. The principle of the right to equality before the law:**

This right is one of the guarantees of a fair trial. Article (14) of the International Covenant on Civil and Political Rights states that people are equal before the judiciary and this means that every person, far from any kind of discrimination on an equal basis. They have the opportunity to resort to the judiciary and guarantees be made available. A fair trial is equal for all, and this principle is stipulated in Article (5) of the Criminal Procedure Law and Article (26) of the Civil Procedure Law.

### **3. The principle of the right to appear before a competent, independent and impartial court established in accordance with the law:**

Article (14) of the International Covenant on Civil and Political Rights states that litigation procedures in any criminal case must be entrusted to a competent, independent and impartial court established by virtue of the law. This principle is confirmed by the provisions of Article (147) of the Yemeni Constitution and Article (1) of the Judicial Authority Law.

### **4. The principle of the right not to be subjected to physical and psychological torture:**

International Law prohibits subjecting anyone to torture in all circumstances, as confirmed by the Article (5) of the Universal Declaration of Human Rights: (No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment). Similar provisions exist in international treaties, including the Convention against Torture and Article 7 of the International Covenant on Civil and



Political Rights. The Yemeni legislator confirmed this principle in section (b) of Article (47) of the Constitution and Article (6) of the Criminal Procedure Law.

### **5. The principle of the impermissibility of inferring a confession extracted under physical and psychological torture:**

Article (15) of the Convention against Torture states that: (Each state party shall ensure that no statements proving that they were made as a result of torture are cited as evidence in any proceedings unless it is against a person accused of committing torture as evidence of making these statements) and likewise the article came (12) of the same convention states: (If it is proven that making a statement was the result of torture or other conditions of cruel, inhuman or degrading treatment or punishment, then that statement may not be taken against the person concerned, or against any other person in any case).

Article (14) of the International Covenant on Civil and Political Rights affirmed the necessity of refusing to force the accused to confession or acknowledgment. This principle was confirmed by the Yemeni law in the its article No (322) of the Criminal Procedure Act.

### **6. The principle of the right to an expeditious and fair trial procedure**

Article (9) of the International Covenant on Civil and Political Rights stipulates: (Every person arrested or detained on criminal charges must be referred promptly to one of the officials legally authorized to carry out judicial functions, and shall be entitled within a reasonable period to be referred to the court or to be released), which has been confirmed by article (14) of the same covenant. It states: (He shall be tried without undue delay) and this principle was confirmed by the Yemeni legislator in Section (c) of article (47) of the Yemeni constitution.

### **7. The Principle of Open and Transparent Trial:**

Article (14), section (1) of the International Covenant on Civil and Political Rights guarantees this principle as an essential element of a just and fair trial. The rule is that the trial is oral and public, with information about the trial, its time and place, the presence of the public and the media apparatus, except what constitutes a danger or prejudice to the personal or state interests. This principle is also stipulated in article (263) section (1) of the Criminal Procedure Law.

### **8. The principle of family contact, the right to a lawyer and the provision of medical care during detention and trial**

Every person has the right to appoint a lawyer on his behalf to safeguard his interests, as lawyer is able to see the secrets of the law and its capabilities in a way that achieves and serves the interests of his client. This principle is confirmed by the Yemeni constitution in article (48) and article (9) of the Criminal Procedures Law.



## 9. Right to have adequate time and facilities available for defense

It is the right of every accused person to have an access to time and facilities to prepare his defense himself and contact with a lawyer of his own choosing.

Principle (7) of the basic principles related to the role of lawyers also stipulated that detainees have the right to seek a lawyer immediately and in any case within a period not exceeding (18) hours from the time of their arrest or detention. Every detainee has the right to consult with his lawyer confidentially without being heard by anyone. This right extends during the whole trial procedures. Additionally, there are other criteria such as the right of the accused to inform his family, relatives and lawyer, the right to inform him of the reason for his arrest, and the speed to take measures to achieve justice and provide all facilities such as calling witnesses and applying the best law. He lacks the retroactivity and transparency in declaring and implementing judgments and other guarantees that would guarantee the rights of the accused.

**Hence, no trial can be described as fair and just unless it fulfills at least two conditions:**

### **The first condition:**

All trial procedures from beginning to end should be guided by the fair trial charters and standards set forth by the aforementioned international community. They should be in accordance with the procedures drawn up in the t of the agreements of the Yemeni constitution, the provisions of the Criminal Procedure Law, and the relevant domestic laws.

### **The second condition:**

An independent and impartial judicial authority executes and implements these established charters according to the law.

Failure to adhere to these standards is a flagrant violation of human rights. It also forms a great concern for the international and local community and the organizations concerned with international and local human rights because they represent serious human rights violations in and of themselves. They contribute to the occurrence of various other human rights violations.

By implementing those standards on the cases of the kidnapped by the Houthi group in Sana'a, the concerned activists find that these standards have been violated flagrantly, starting with the procedures of arrest and the subsequent enforced disappearance, up to bringing them to trial and the issuance of comic judgments where most of what applies to these trial are political decisions par excellence. This means that there are no standards for trial principles. Equity and fairness in the cases of kidnapped and detainees with the Houthi group or the judiciary to which is affiliated is neither independent nor impartial.



## The Specialized First Instance Court in the Capital Sana'a

This court is considered an exceptional court. It is in fact the State Security Court. It was established exceptionally in violation of the provisions of the Yemeni constitution - especially article (148) thereof, which stipulates that it is not permissible to establish exceptional courts in any way. It also violates article (8) of the judiciary Authority Law of the Rep of Yemen which also affirmed that exceptional courts may not be established.

In addition, the jurisdiction of this court is non-existent and terminated according to the decision of the Supreme Judicial Council issued on 2020/18/4/, which decided to terminate the functions and jurisdiction of this court in the Capital of Sana'a and transfer its functions and jurisdiction to the Specialized First Instance Criminal Court in Ma'rib Governorate.

Examples of some of kidnapped cases whose international standards and local laws for a fair and equitable trial are violated:

### First: The death sentence for four journalists

The outgoing Specialized Criminal Court in Sana'a, headed by Judge Mohammed Mufleh Mohammed Mufleh, issued a death sentence to:

- Abdul-Khaleq Ahmed Abdo Imran
- Tawfiq Muhammad Thabet Al-Mansouri
- Akram Saleh Musa'ed Al-Walidi
- Harith Saleh Saleh Hamid

On April 11, 2020, the court prevented the defendants' lawyers and their families from attending the verdict hearing.

The Houthi group kidnapped these four journalists: (Abdu l-Khaliq Imran, Tawfiq Al-Mansouri,- Akram Al-Walidi - Harith Hamid) from the Dreams Palace Hotel in the capital of Sana'a on June 9, 2015 after they surrounded the hotel in which these journalist were residing from 9 at night until 4 in the morning. They, Houthis, then raided the hotel and looted the journalists' personal possessions such as cameras, computers, telephones, and personal documents, and took them to the Al-Ahmar police station in al-Hasbah area. Two days after their abduction, they were transferred to the anti-terrorism unit of the Criminal Investigation Department. Then they transferred them to an unknown destination on 7/2015/13/ and were forcibly hidden for a period of six months until they were found on December 3, 2015 in the Revolutionary Reserve Prison.

On April 25, 2016, they were transferred to Habra Reserve Prison. They were hidden for the third time from May 24 till August 24, 2016. Their families came to know that they were detained in the Political Security Prison in Sana'a and they are still there till the moment.



Throughout the kidnapping period during the past five years, journalists have been subjected to continuous violations by the Houthi group supervisors in the prisons in which they are held. These violations include physical torture such as severe beatings with sticks, electric wires, rifle butts until blood shed, suspension for long hours, electric shock, and were introduced to mentally ill persons and police dogs. They launched a hunger strike on May 9, 2016, to protest their continued detention and ill-treatment. After the strike, they were beaten, ill-treated, and threatened with physical assassination and forced disappearance as a means of pressure to hang up their strike.

Eleven months after their detention in the Political Security prison, they were subjected to ill-treatment and torture throughout this period. They were videotaped and forced to make statements confessing acts they did not make. Yet, they confessed under torture. The Houthi group then, decided to bring them to trial in a court under its control. The file of the ten journalists was handed over to the specialist Criminal Prosecution on 7/2017/10/. They were prevented from the visits from this date until 12/2017/18/. On 10/2017/8/, their defense attorney asked the Chief of the Prosecution to turn to the Public Prosecution request to the head of the Political Security to allow the journalists' visits, but he refused and decided to conduct an investigation without allowing their families to visit them, or the defence lawyers of the abductees to be present.

The Criminal Prosecution received their case file on 7/2017/10/ and decided to refer it to the Criminal Court on February 19, 2019. On December 9, 2019, the first session was held without notifying the lawyers or the families of the journalists of this. The investigation minutes were delivered to the defense lawyer on December 16, 2019. After they were referred to the court, their constitutional and legal rights and international covenants in a just and fair trial stipulated in international standards were violated. Defense lawyers stated that these assaults and violations are as follows:

- The defense team was not given a copy of the case file.
- The court was keen to conceal and hide the dates of their trial sessions from the defense team and the public alike.
- The court was keen not to sign the court session minutes after the end of the session in accordance with what is in place and known in the documentation of the judicial authority, which suggests the possibility of changing the session minutes.
- The defense team was not handed over a copy of the session records.
- Kidnapped journalists were not granted their legal right to present their legal defences and justifications.
- The court described the detainees as enemies of the people.
- Lawyers (the journalists' defense team) were prevented from pleading before the court.
- The report prevented the defense team from pleading before the judge, the source of the ruling, due to their demand and their insistence that they be able to sit with their kidnapped clients and obtain a copy of the case file. Their insistence on deciding on the request for the judge's dismissal from hearing the case and not to adjudicate it after expressing a prior conviction in the case by describing the kidnapped journalists as enemies of the people.



- The court deliberately holds sessions without the presence of their lawyers.
- Not to bring telephones and laptops allegedly seized with the kidnapped journalist, to manifest their contents before the court and confront them with it.

The Abductees' Mothers Association, the High Commission for Human Rights, International Amnesty, the International Federation of Journalists and other human rights organizations have condemned the death sentence against the journalists and demanded the Houthi group to release the kidnapped journalists since 6/2015/9/.

According to the Yemeni Law for Press and Publications issued after the declaration of the Republic of Yemen in 1990, Law No. 25, article (6) which stipulated «to protect the rights of journalists and creators and to provide the necessary legal guarantees for the practice of the profession and their right to expression without being subjected to any unlawful accountability guaranteed by the law unless it is in contravention of its provisions.»

Article (13) of the law stipulates that: A journalist may not be held accountable for the opinion he issues or the press information he publishes, and that this should not be a cause of harm to him unless his action is in violation of the law.

Article (17) of the law stipulates that a journalist has the right to be a correspondent for one or more Arab or foreign media outlets, provided that he obtains a written license from the Ministry of Information, renewable every two years.

The rest of the journalists (Hassan Ennab, Issam Balghith, Haitham Al Shehab, Hisham Tarmoom, Hisham Al-Yousfi) were sentenced to innocence and were released from the same court, but they were returned to the National Intelligence and Security detention camp on the grounds that a guarantee was necessary before their release. The officials in the Security and Intelligence forces were intransigent in the requirement of guarantees, which constituted a financial burden on the families of the victims who were extorted sums of hundreds of thousands of riyals for these guarantees. After they were prepared, the security and intelligence officials refused to release the journalists and stipulated that they should be exchanged with fighters belonging to the Houthi group who are being held by the legitimate government forces. They, later, were released in accordance with the Swedish agreement under the sponsorship of the United Nations on 10/2020/15/ to the governorate of Ma'rib.





**Second: Case No.** (222) for the year 2019 C C the Specialized Criminal Appeal Prosecution in the Capital and registered under No. (541) for the year 2018 C C The First Instance Criminal Prosecution in the Capital Sana'a.

**Names of the accused in this case:**

- Ahmed Abdullah Ahmed Al-Qatt'a
- Fouad Numan Sheryan Al-Awadhi
- Nabil Mohammed Mohammed Al-Seddawi
- Fahd Abdullah Muhammad Al-Salami
- Mansour Mansour Yahya Al-Faqih
- Essam Mohammed Ahmed Al-Zindani
- Asim Thabet Derhim Radman
- Sadiq Muhammad Al-Hajj Al-Majidi
- Mohammed Abdo Ahmed Salah Al-Harazi
- Mukhtar Abdullah Yahya al-Jabali
- Mahdani Ali Ahmed Al-Mahdani
- Habeeb Yahya Mohammed Al-Odaini
- Khaled Ahmed Ismail Al-Olofy

There are serious procedural imbalances and violations that were taken against the accused in this case at the inferences stage and the prosecution investigations. Those violations, starting with their arrest and their concealment for periods varying between two months to four months to five months for some of them. Various types of persecution and physical and psychological torture were practiced against them during their hiding place, as well as their stay with the security services from the date of their arrest until the date of their referral to the prosecution for more than four years for some of them. These measures are in violation of the provisions of the constitution and the laws in force as the right of the security services to keep their detainees in no more than twenty-four hours in accordance with the requirements of the constitution in Article 48 / C, which states: "Whoever is arrested because of suspicion of committing a crime must be brought before the judiciary within twenty-four hours from the date of his arrest at most.

Accordingly, the procedures for gathering evidence, in which statements were extracted from the accused under torture and duress, render void and unreliable in attributing any charges against them. Hence, the prosecution's investigations that took place with them were nothing but a complete conclusion. The prosecution did not perform its legally entrusted role in investigating and scrutinizing the charges and facts attributed to them by the security services. Rather, the role of the prosecution was to act according to what a readymade fabrication was brought to them by the security forces. Therefore the prosecution investigation procedures were also in violation with the legal procedures specified in the Criminal Procedures Law. It makes the referral order from the prosecution to the court is another violation of the legal procedures as well as the rights related to the subject matter of the charges against the accused. Discussing the charges validity or not, is not carried out by the Public Prosecution as an investigative authority and as an authority that represents the society and have an access to the truth; and accuses whoever has the evidence to



accuse, and attribute the criminal facts that are likely to be committed by the accuse, and report that there is no way to institute a criminal case by those who have proven to lack the evidence to attribute the incident subject of accusation to them.

However the prosecution was only a transit station. Its entrusted role did not take place in the investigation and scrutiny to reach the truth. This makes the prosecution procedures non-existent in the right of the detainees and makes its referral decision to the court void because it violates the most basic legal procedural principles stipulated in the law.

Although the violations taken by the security authorities are grave, and the violations committed by the Public Prosecution also are grave, but this report will be restricted to mention the most important procedural violations that took place before the court only.

The most important violations during the trial in the case of / Ahmed Abdullah Ahmad Al-Qatta and others:

- The court did not grant them the right to meet with their lawyers and sit with them as a right guaranteed by the constitution and the law for the accused before it took any action against them to confront the charges against them, regardless of the charge against them. Article (49) of the constitution states that "the right to defend in person or in authority is guaranteed at all stages of investigation and proceedings.»
- More than once the court scheduled sessions for them without the informing the lawyers of the detainees.
- Some of them reported to the court that they had been tortured and insulted by the security forces, but the court did not pay any attention to that, even though Article (6) of the Criminal Procedures Law states: "It is prohibited to torture the accused, or treat him in an inhuman manner, or to harm him physically or morally due to his coercion to confession. Every statement proving that it was issued by one of the accused or witnesses under the the pressure or torture is wasted and unreliable. «
- The repeated complaints of some of detainees of diseases resulting from torture and their need for treatment, but the court sometimes decided to refer them to a specialized doctor. Yet, these decisions were not implemented by the security forces and those in charge of their detention inside the prison.
- The court declared its belief more than once and disclosed it in considering them guilty, described them as traitors, and asked them to repent. These acts are against the law because the court in this case is no longer impartial. Rather, it has become their opponent.



- Although the court is obligated to release the abductees by force of law since they have spent between four and five years in prison, it is unable to make a decision to release them. It has approved the release of some of them: (Mahdani Ali Al-Mahdani, Asim Thabet Radman, Fuad Al-Awadhi, and Mukhtar Al-Jabali). However, the court decisions remained ink on paper and were not implemented by the security forces.
- The court does not operate on the bases of the principle and legal rules related to the principle of innocence in the human being, considering this as the most important principle of the principles of a fair and equitable trial, as the constitution states in Article 47: «Every accused is innocent until proven guilty by a final court decision.»
- Failure of the court to comply with the procedures laid down by the law in the provisions of the Criminal Procedures Law related to how to file a criminal case and the court's steps, starting with taking the accused's statements, directing the charges and reading these charges against them, asking them about their response to accusations, their right to refute those charges with legal arguments, and their right to silence and refrain from answering.
- Not allowing the accuseds' lawyers to present their defenses in the various sessions orally, given that the basic principle is in the oral pleading, and not to hear or listen to the defenses and verdicts raised in the pleadings and written memoranda.

### Court session details:

The first session: It was held on 12/20/13/. The defendants attended this session with Judge Muhammad Mufleh. In the session the statements of Ahmed Abdullah al-Qatta and Fouad Numan al-Awadhi were taken. The accused detainees complained about the restrictions on their hands, as every two detainees were clinched with one chain. They refused to make any statements until the restrictions were lifted. Their lawyers asked the court to remove the restrictions, and the court ordered the security and intelligence soldiers accompanying the defendants to release the chains from them. But soldiers apologized for not having the keys with them. The judge ordered the soldiers to remove them from the dock and bring them to the courtroom, but they refused under the pretext that they have instructions from higher authorities. As a result, the court decided to postpone the session and return the defendants to prison. The postponement was decided to 22/20/10/.

- A security officer affiliated to the Security and Intelligence Service threatened the defendants' lawyer with hiding him, using obscene language. Despite their scheduled date, no subsequent sessions were held, due to the quarantine, and the absence of the Prosecution in some of the sessions.



- The sixth session was held on 42020/18/ without the presence of the defense lawyer. The defendants refused to speak until the presence of their lawyer. The case file was returned to the prosecution for completion. The court's decision to repetition was due to the absence of the twelfth defendant Khaled Ismail Al-Olufi (he had been transferred a year and a half ago to what is called exchange houses in order to release him in exchange for one of the detained fighters belonging to the Houthi group), and the file remained with the prosecution office until November, 2020.
- The seventh session was held on 112020/3/ in the presence of the lawyers. The court took the statements of the defendants. At the session the defendants complained of the diseases they were suffering from and requested their release.
- The court decided to direct the treatment of the patients and to grant the lawyers a copy of the case file and to postpone it to 122020/1/.
- The eighth session on 12202/1/: the session was held in the presence of the defense lawyers. The defendants complained that the court's decision to treat them was not implemented, and they were not allowed to meet the lawyers assigned to plead for them. The lawyers requested their release due to the long period of their imprisonment. The court decided to release the second accused, Fuad Numan Al-Awadhi, but it did not implement its decision.

**Third: Case No. (168)** for the year 2018 (C C) the Specialized Criminal Appeals Prosecution of the Capital and is registered with No. (205) for the year 2018 (C C) The First Instance Criminal Prosecution for the Secretariat (Capital):

**Names of the defendants in this case:**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ Abdul-Elah Ali Ayedh Saylan</li> <li>▪ Abdul Aziz Ahmed Abdo Al-Hattami</li> <li>▪ Abdul Rahman Ali Abdullah Al-Selwi</li> <li>▪ Majid Ahmed Hassan Al-Bazeli</li> <li>▪ Abdul Hakim Mohammad Ahmed Bishr</li> <li>▪ Amer Ali Ahmed Al-Mikhlaifi</li> <li>▪ Suhaib Sinan, Qaid Al-Jaradi</li> <li>▪ Shoaib Ahmed Hizam Ash-Shaimi</li> </ul> | <ul style="list-style-type: none"> <li>▪ Al-Hussein Ali Mohammad Al-Hajj</li> <li>▪ Badr Ad-Din Abdullah Ali An-Nowairah</li> <li>▪ Jamil Hassan Hussein Dayel</li> <li>▪ Shihab Ad-Din Mansour Ali As-Salemi</li> <li>▪ Majid Ahmad Musleh Al-Baḡwah</li> <li>▪ Al-Hassan Abdul Rahman Yahya As-Sarari</li> <li>▪ Mohammed Ahmed Saleh Al-Radaei</li> <li>▪ Haza'a Saleh Abdullah Al-Qamami</li> </ul> |
|---|---|



### Here, we review some of the violations that accompanied this case:

- The defendants were arrested without an official arrest warrant and by persons who did not disclose their legal capacity.
- The defendants were subjected to varying periods of enforced disappearance, which ranged from one to four months, during which the accused were not allowed to communicate with their families or with a lawyer on their behalf.
- The defendants were not informed of the charges against them upon their arrest.
- The defendants were subjected to harsh torture methods to force them to confess against themselves in the evidence-gathering records.
- The defendants were referred to trial in September 2018, although they were arrested in 2015 and their trial is still ongoing, in a flagrant violation of the defendant's right to be tried within a reasonable period of time.
- The court ignored the complaints of those accused of being subjected to torture, ill-treatment and willful medical neglect throughout their detention. Though one of the defendants, Hazza'a al-Qamami, had informed the court that he had been subjected to severe physical torture, which resulted in the appearance of a tumor in his abdomen, and was operated on in Al-Jumhori Hospital, but that operation was unsuccessful. The tumor appeared on another side of his abdomen, and the doctors stressed that if the tumor is neglected and the defendant's state of health neglected, it will lead to his death. Although the court knew that and his case was brought before it, it did not give the matter any importance even though the defendants are being tried in its custody and it is the responsible for them.
- The court had decided to return the case file to the Public Prosecution for the failure to implement the court's decisions and not to bring those released by exchange (Abdul Hakim Bishr and Jamil Dayel), as the file was returned to the prosecution in accordance with the court's decision at the session of 42019/27/. The file remained in the prosecution till the month of October, 2020. Then it was returned to the court at the end of October 2020, and two sessions were held for them before the court on 232020/12/15 & 11/. However, nothing new was done regarding the matter of returning their case file to the prosecution.
- The defendants demanded that they be allowed to enter their textbooks to complete their education, as most of them are high school and undergraduate students. The judge did not issue his order in this regard and did not take the appropriate action. The unfair trials were not limited to the kidnapped in Sana'a, but also included the detainees held in Aden too.



**Criminal Case No. 37** of 2019 in the Specialized Criminal Appeals Prosecution M / Aden and registered with the Primary Prosecution Office No. 287 of 2018:

The accused are:

- Abdullah Ahmad At-Tairy
- Waqqas Fatehi Ali Hassan
- Mohammed Salem Abdullah Al-Omari
- Ala'a Ali bin Ali Sakran
- Ahmed Fahd Saad At-Tairi
- Hani Ali Shamsan
- Fajr Ahmed Abdel Qader
- Muhammad Awad Alawi
- Ahmed Luqman Mohammad
- Ahmed Walid Ad-Dabaj
- Salem Abdul-Qawi Al-Marfadi
- Othman Ali Othman
- Fahd Ahmed Al-Ezzani
- Akram Mohammed Nasser Hadi

Those detainees are accused by the prosecution that during 2018, they participated in forming an armed gang called ISIS and attacked people, resisted public authority men, and carried out assassinations of mosque imams and other personalities.

In view of this case and during that period which exceeded several months, during which they were subjected to torture and degrading methods of treatment. Then they were transferred to Bir Ahmed prison. There, they were surprised that these charges were attributed to them.





### Here, we briefly refer to some of these violations and abuses of the law:

1. The arrest of the accused by an unidentified group of persons who do not have legal capacity or jurisdiction.
2. Detaining suspects in secret prisons and forcibly concealing them, without knowing the reason for their arrest and without informing their families of the incident of arrest. They were not allowed to contact with one of their relatives or appoint a lawyer for them. They remained hidden for several months and no one knew anything about them. Their families were looking for them in all security sections, military sites, official prisons, hospitals and others, but in vain.
3. During their disappearance, the defendants were subjected to harsh methods of torture and degrading treatment, until some of them came to attempt suicide. They made it clear in the court sessions.
4. Defamation of the defendants in the media and social media that they are ISIS terrorist cell that killed the imams of mosques and others with the intention of defaming the defendants and their families.
5. Legitimizing the violations committed by a group of unidentified persons and approving all that was issued from them. The prosecution did not carry out its work in accordance with the law.
6. The court's insistence not to schedule the case in the sessions scheduling to hear and decide the case. The case file remained locked up in the court's shelves for nearly a year.
7. The court examined the case and ignored the defendants' complaint that they had been tortured and that all the charges levelled against them were false and fabricated, demanding that their case be examined and decided seriously and be fairly decided as soon as possible.
8. The court ignored the nullity and invalidity of what was stated in the indictment, as the defendants and their lawyers argued, because what was originally based on it is invalid.
9. The court ignored what the defendants and their lawyers argued that they had been tortured and that the forensic specialist had examined them in Bir Ahmed prison, but the medical report was concealed and excluded from the case file, and after several sessions, the prosecution brought a true copy of the forensic report issued by the forensic specialist Dr. Yazan Mohsen Atarouche, dated 72018/11/, through which it proves that the defendants were subjected to physical and moral torture.
10. The sessions were indefinitely postponed, which doubled the suffering of the defendants and their families due to the refusal of Judge Waheeb Fadhl to hand over the case file to the appointed judge. Several sessions were postponed because of that until the general strike took place and the courts were closed.



## Efforts of the Abductees' Mothers Association

The Abductees' Mothers Association continues its struggle and efforts in its fifth year at all levels, aiming to intensify human rights and media efforts to publicize the issue of the abductees, forcibly disappeared and detainees. This culminated in the presence of the Abductees' Mothers Association in the implementation of the October 2020 Geneva Agreement, which stipulated the release of the kidnapped by the Houthi group and some of those detained by the the Legitimate government. The attendance of the Association had the greatest cheerful impact on the hearts of the released, who arrived at Seiyoun airport in Hadrmout, to find the Abductees' Mothers Association team welcoming them and greeting them with flowers and cheery chants.



## In media advocacy

- The media team of the Association carried out live media coverage of the implementation of the Geneva Accord and a live broadcast on Facebook, reporting the interested in details moment by moment.
- The Association also commemorated the day of the Yemeni kidnapped on April 18th, 2020, with a number of activities, the most prominent of which was the joint stand in all governorates in light of the Covid-19 virus pandemic, in addition to the implementation of (36) protests in five governorates (Sana'a, Aden, Taiz, Ibb, and Hodeidah) and the issuance of (63) statement and a press release, and (8) joint statements with Human Rights Organizations.
- The Abductees' Mothers Association issued (48) of the weekly electronic newsletter «My Son's Freedom First», which sheds light on the definition of the kidnapped's issue. It also contains awareness-raising paragraphs of legal texts related to rights and freedoms. The Association team has further produced (17) films and flashes, and participated in (4) media campaigns.

## In Contact and Communication

The Abductees' Mothers Association held (81) meetings with local and international personalities interested in the Yemeni affairs. These meetings dealt with the issues of the abductees, detainees and their families, and the violations that affected them. The Association further discussed the solutions to release the abductees, detained and kidnapped locally and internationally, and the role of these personalities and the bodies that represent them to contribute to this. These meetings include:

- Meeting with the Ambassador of the European Union, Hans Grundberg, during his visit to Aden.
- Meeting with the Special Envoy of the United Nations Secretary-General to Yemen, Martin Griffiths, during his visit to Marib and his meeting with youth and women.
- Meeting with Deputy Prime Minister Salem Al-Khanbashi in the legitimate government internationally recognized.
- Meeting with Deputy Speaker of Parliament Abdulaziz Jabbari in the city of Ma'rib.
- Meeting with the Head of the Supreme Judicial Council, Dr. Ali Nasser Salem.
- Meeting with a member of Parliament, Abdo Bishr, in Sana'a.
- Meeting with the responsible of the Executive Committee of the Red Cross for facilitating the implementation of the Geneva Accord in Seiyun city, Hadramout.
- Meeting with the representative of the United Nations High Commissioner for Human Rights, Dr. Al-Obaid Ahmed Al-Obaid, in the city of Aden.
- Online meeting with Second Secretary for Political Affairs at the British Embassy, Sam Gibb.
- Meeting with the Group of Experts Team on Yemen established in pursuant to Security



Council resolution 2140 (2014).

- The Association of the Abductees' Mothers and the Mothers of the Forcibly Disappeared met with Colonel Abu Sultan, responsible for the coalition in Aden, and some security and military leaders.
- The meeting with Judge Nabil Jawbah, head of the Prisons and Prisoners' investigation and inspection committee, which was established by the Autonomous Administration of the Separatist Transitional Council backed by UAE in Aden Governorate.
- Meeting with the head of the legitimate government delegation in the negotiations of the file of the kidnapped, detainees and prisoners, Hadi Al-Hajj, in the city of Ma'rib.
- Meeting with the Head of the Committee for the Forcibly Disappeared, Dr. Abdul Rahman Al-Azraqi, in the city of Taiz.
- Meeting with Judge Waheeb Fadhl, judge of the Specialized Criminal Court in Aden Governorate.
- Meeting with the local mediators and parties responsible for exchanges of abductees and prisoners in Taiz governorate.
- Online meeting with the lawyer, Alexander Gorbachev of the Russian St. Petersburg Soldiers Mothers' Organization.
- Online meeting with the International Amnesty in America.
- Online meeting with a researcher on Yemen affairs at the Cairo Institute for Human Rights Studies.
- The Abductees' Mothers Association also attended virtual meetings as part of the procedures commitment.
- The partnership in making (41) various human rights activities with bodies and organizations that have emerged in:

The preparation and release of the Abductees' Mothers Association, a report on Hanish prison, entitled (The Black Shell), in cooperation with the Euro-Mediterranean Observatory, which had a positive impact on improving the conditions of detention inside this prison.

### **Participation in the women's summit in Aden.**

- Issuing a joint appeal with the Francophone Association to save the kidnappers of Yemen with the outbreak of the Covid-19 virus.
- Providing a joint briefing on the Abductees' Mothers Association, the Peace Path Initiative and the Humanitarian Food Foundation via the Internet in the meeting held by a network of connections with members of the Security Council that contained the suffering of the abductees and their families, the situation of Yemen under the war and the spread of Covid-19 and the participation of women.
- The Abductees' Mothers Association gave a briefing at an event that brought together representatives from donor countries prior to the donor conference.





- The Abductees' Mothers Association launched a joint appeal with the Wasl network to demand the release of the abductees due to the outbreak of the Covid-19 virus.
- Coordination for a joint hearing with the Defense Organization for Rights and Freedoms in Taiz on the occasion of the International Day of Victims of Enforced Disappearance.
- Issue a joint statement with the organizations (Amnesty International, Cairo Institute for Human Rights Studies, Committee to Protect Journalists, Mwatana Organization for Human Rights, Human Rights Watch, International Federation for Human Rights, Yemeni Journalists Syndicate) calling for priority to be given to the release of civilians arbitrarily detained and not to continue Establishing the practice of exchanging military detainees exclusively at the expense of civilian detainees as part of a joint campaign.
- The Abductees' Mothers Association shared information and recommendations on the detention of women in the shadow report of the Civil Coalition led by Women for Yemen Network.
- Launching a joint urgent appeal between the Abductees' Mothers Association and the Cairo Institute for Human Rights Studies to the United Nations special procedures regarding the abductees in the Central Security Camp Prison in Sana'a by the Houthis group in Yemen.
- The Abductees' Mothers Association has also provided testimonies to national and international investigative committees, and the detailed data for women and men victims of kidnapping, arrest and enforced disappearance.

## In the Socio-psychological Support

- With regard to the Covid-19 pandemic, the Association played a prominent role in assisting the abductees by distributing detergents and sterilizers in prisons. The number of beneficiaries was (800) beneficiaries in prisons. (150) health bags were distributed to the families of the abductees, too.
- The Abductees' Mothers Association visited the women's prison in Marib and distributed meals, detergents and sterilizers to the women prisoners.
- The Abductees' Mothers Association held (18) psychological support and life skills courses for the families of the abductees in various governorates of the Republic of Yemen.
- Grant of (6) scholarships were awarded to the children of the kidnapped.
- In the Internal Training
  - The media team in each of (Sana'a, Taiz, and Hodeidah) was trained in drafting data, news and language skills with Al-Jazeera Media Training Institute.
  - The Observatories team was also trained on monitoring, documentation and human story writing skills.
  - Training of the Abductees' Mothers Association working group on the Convention against Discrimination against Women and Security Council Resolution 1325 on women, peace and security.



## The legal framework:

The Constitution of the Republic of Yemen in its Article (48/ A) states that "The state guarantees for citizens their personal freedom, preserves their dignity and security. The law determines the cases in which the citizen's freedom is restricted, and it is not permissible to restrict anyone's freedom except with a ruling from a competent court."

This article in Paragraph (48 / b) affirmed safeguarding the freedom and dignity of every person whose freedom is restricted in any way: "Every person whose freedom is restricted in any way must be preserved. His dignity must be preserved and coercion is prohibited to confess during investigations, and the person whose freedom is restricted has the right to refrain from making any statements. Except in the presence of his lawyer, it is prohibited to imprison or detain any person in places other than those governed by the Prisons Law, and torture and inhuman treatment are prohibited upon arrest or during the period of detention or imprisonment."

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The article in Paragraph (48 / C) also emphasized the necessity of notifying the person whose freedom was restricted of the reasons for his arrest: "Whoever is temporarily arrested because of a suspicion of committing a crime must be brought before the judiciary within twenty-four hours from the date of his arrest at most. The judge or the Public Prosecution office notifies him of the reasons for the arrest, interrogates him, and enables him to express his defence and his objections. He must immediately issue a reasoned order to continue his arrest or release him, and in all cases, the Public Prosecution may not continue his detention for more than seven days without a judicial order. The law determines the maximum period for pre-trial detention.

Article (48 / D) includes the necessity to notify the detainee's relatives of his status as soon as he is detained: "When arresting a person for any reason, he should have immediately notified whoever he chooses the arrested has, and this must also be done when every judicial order is issued to continue the detention. The selected person must be informed of his relatives or whom it may concern.

The article in paragraph (48 / E) came to confirm that violating the provisions of this article will result in legal punishment, and that torture, both physical and psychological, is a crime that does not expire by the passage of time:

Article (6) of the same law also affirmed the prohibition of torture or inhuman treatment by saying: "It is forbidden to torture the accused, treat him in an inhuman manner, or harm him physically or morally because he is forced to confess. Every statement proving that it was issued by one of the accused or witnesses under the pressure of toil or torture of something of the aforementioned is wasted. And do not count on it»

«The law determines the punishment for anyone who violates the provisions of any of the paragraphs of this article and also determines the appropriate compensation for the damages that may be caused to the person who committed the violation. Physical or psychological torture upon arrest, detention or imprisonment is considered a crime that is not subject to the statute of limitations and is punishable by anyone who practices it, orders it, or participate in it».

The Yemeni laws in force came to confirm what was included in the provisions of the constitution, especially the Criminal Procedures Law No. (13) of 1994, which affirmed the prohibition of arbitrary arrests in Article (7) of it by saying: "Arrests are not permitted except in relation to acts that are legally punishable and must be based on Law»

The Yemeni laws in force came to confirm what was included in the provisions of the constitution, especially the Criminal Procedures Law No. (13) of 1994, which affirmed the prohibition of arbitrary

In its fourth article, the same Yemeni law stipulates that: "The accused is an innocent until proven guilty, and the suspicion is interpreted in favour of the accused. He shall not be punished except after a trial that is conducted in accordance with the provisions of this law and the freedom of his defence is preserved" based on Article (47) of the Yemeni constitution which states: "All suspects are innocent till proven guilty by a final court executive order.



Article (11) states that: "Personal freedom is guaranteed and a citizen may not be accused of committing a crime. His freedom shall not be restricted except by order of the competent authorities in accordance with what is stated in this law. That: It is not permissible to violate the freedom of the private life of citizens in other than the circumstances authorized in this law. Article (16) of the Code of Criminal Procedure does not exclude crimes affecting the freedom of citizens, as it stipulates that: As an exception to Article (37) which affirms that "the criminal case does not expire by the passage of time in crimes affecting the freedom and dignity of citizens, or involving an assault on the freedom of private life."

In the Yemeni legislation, there is a respect for the rights of those whose freedom has been restricted, and despite all the actions that detainees receive inside official and unofficial prisons. The Prisons Organization Law No. 48 of the year 1991 states that: "The prison administration must take care of the public health in the prison, take care of the treatment of prisoners and the provision of health and preventive care for them, the appointment of specialized doctors in coordination with the Ministry of Public Health. According to Article (24) of the same law, the doctors' instructions and observations in the health, preventive, curative and nutritional aspects of prisoners are binding on the administration of the prison. In case it is not possible for the prison administration to implement it due to lack of capacity, it must be referred immediately to the Minister to decide about it. Article 30 of the law if imprisonment grants prisoners, in addition to the rights granted to them in this law, the following facilities:

- Meet their families, relatives and friends.
- Receive and respond to correspondence.
- Receipt of physical transfers and re-transfer them.

Likewise, a person who has been detained in custody in accordance with Article (31) has the right to meet with his family and his lawyer under a written permission from the authority that issued the detention order.

However, what happens with regard to the behaviour of prisoners and detainees by their jailers and kidnappers and with their families upon their visit is contrary to the spirit and provisions of the constitution, various laws and international agreements ratified by the Republic of Yemen.

The Republic of Yemen is considered a member of the international community and is a party to (53) international conventions and media protocols, including those related to international humanitarian law related to human rights. The most important of which is the Convention against Torture and other cruel, inhuman and degrading treatment or punishments, the International Covenant on Physical and Political Rights and the International Covenant on Economic Rights. The Yemeni government has signed a number of international agreements, including the Rome Statute establishing the International Criminal Court and the Convention for the Protection of All Persons from enforced disappearance.



Moreover, the Republic of Yemen is bound by the rules of customary international humanitarian law - the so-called general international law - without the need for formal accession to those rules established by the International Committee of the Red Cross. Since Yemen has ratified these international conventions, treaties and instruments, it is obligated to respect human rights related to the personal dignity of the human being. Special and obligatory, respecting the principles of human rights included in the Universal Declaration of Human Rights in general as well as the imperative of customary international law. Prior to that the provisions of the Yemeni constitution and laws in force related to personal freedom, rights, freedoms and human dignity must be respected.

The International Covenant on Civil and Political Rights stipulated in its foreword: "The states parties to this covenant see that recognition of the inherent dignity of all members of the human family and of equal and inalienable rights constitutes, in accordance with the principles proclaimed in the United Nations Charter, and the basis of freedom, justice and peace in the world. Acknowledging that these rights stem from the inherent dignity of the human being and realizing that the only way to achieve the ideal represented in accordance with the Universal Declaration of Human Rights for human beings is to be free, enjoying civil and political freedom and feel free from fear and want is the way to create circumstances to enable every human being to enjoy his or her rights; both civil and political rights, as well as economic, social and cultural rights, bearing in mind the obligation

of states under the Charter of the United Nations to promote universal respect for and observance of human rights and freedoms,

Although the Republic of Yemen has ratified the International Covenant on Civil and Political Rights as an international treaty, committed itself to it and has become a party to it, Article (2) says: "Each state party to this covenant undertakes to respect the rights recognized in it and to guarantee these rights for all individuals in its territory and those entering in its jurisdiction without any discrimination due to race, colour, gender, language, religion, political or other opinion, national or social origin, wealth, descent, or other reasons. Article (6) of the Covenant affirmed that: "The right to life is an inherent right of every human being, the law shall protect this right, and none may be deprived of his life.

As for Article (7) of the Covenant, it prohibits torture and inhuman treatment and stipulates that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It is not permissible to conduct any medical or scientific experiments on anyone without his free consent", to be particular. Article (9), however, affirmed that "Everyone has the right to freedom and security over his person. No one may be arrested or detained, and no one may be deprived of his freedom except for reasons stipulated by the law and in accordance with the procedures established therein. Any

person who is arrested must be informed of the reasons for this arrest when it occurs. He must be informed promptly of any charge brought against him. The arrested or detained on a criminal charge shall be brought promptly to a judge or an official authorized by law to carry out judicial functions. He (the detained) shall be entitled to be tried within a reasonable period of time or to be released.



While Article (10) stipulates that: All persons deprived of their freedoms shall be treated humanely that respects the original dignity of the human person. Article (14) affirms that: All people are equal before the judiciary and it is the right of every individual to decide on any criminal charge against him or in rights and obligations in any civil case that his case is subject to a fair and public consideration by a competent, independent and impartial court established by the rule of law. It is the right of every person accused of committing a crime to be presumed innocent until legally proven guilty for the crime. Every accused of a crime has the right to enjoy, during the consideration of his case and on the advanced level complete equality, with the following minimum guarantees:

- To be immediately informed, in detail, and in a language that he understands of the nature and causes of the accusation against him.
- To be given sufficient time, facilities to prepare his defence and to contact a lawyer of his own choosing.
- To be tried without undue delay.
- To be tried immediately and to defend himself in person or through a lawyer of his choice, to be notified of his right in the presence of someone to defend him if he has no one to defend him, and to be provided by the court whenever the interest of justice requires that with a lawyer to defend him without charging him for that if he does not have the means, the court provides him whenever the interest of justice so requires a lawyer to defend him and pays this wage.
- Also, according to Article (17), it is not permissible to expose any person arbitrarily or unlawfully to interference with his privacy, family affairs, home, or correspondence, nor to any unlawful campaigns affecting his honour or reputation. It is the right of every person to be protected by law from such interference or prejudice.

It is not only the International Covenant on Civil and Political Rights that guarantees the right of the detainee to liberty. Rather, the Convention against Torture and other cruel, inhuman or degrading treatment or punishment, which Yemen has ratified, states in Article (1) that: "For the purposes of this convention, torture means any act that results in severe physical or mental pain or torture that intentionally inflicts a person with the intention of obtaining information or a confession from this person or from a third person, punishing him for an act he or a third person is suspected of committing, or intimidating or compelling him or any person. Article (2) of the International Convention obligates each state party to take effective legislative, administrative, judicial or any other measures to prevent acts of torture in any territory under its jurisdiction.



excuses and justifications are intolerable under the pretext of exceptional circumstances whatsoever, whether these circumstances are a state of war, a threat of war, internal political instability, or any other state of public emergency, may not be invoked as a justification for torture, and orders issued by higher-ranking officials or a public authority may not be invoked as a justification for torture of any person. Article (4) affirms that the states parties to this convention ensure that all acts of torture are crimes under their criminal laws, and the same applies to any person undertaking any attempt to practice torture and to undertake any other act that constitutes complicity and participation in torture. Each state party makes these crimes imperative punishment with appropriate penalties that take into account their grave nature. Article 12 of the Convention stipulates that each state party guarantees that its competent authority conducts a prompt and impartial investigation whenever there are reasonable grounds to believe that an act of torture has been committed in any of the territories under its jurisdiction.

In addition, Article (13) focused on ensuring that each state party guarantees that any individual claiming to have been subjected to torture in any territory under its jurisdiction has the right to file a complaint with its competent authorities and for these authorities to examine his case promptly and impartially, and the necessary steps should be taken to ensure that the complainant and the witnesses are protected from all kinds of ill-treatment or intimidation as a result of his complaint or any evidence presented.

Article (14) also included the obligation of the convention that every state party to its legal system guarantees fairness to those who are subjected to an act of torture and that they enjoy an enforceable right to a fair and adequate compensation, including the means to rehabilitate them as fully as possible. In case of the death of the victim as a result of an act of torture, his relatives or the people he supported had the right to compensation.

Consequently, all parties to the conflict in Yemen must abide by what has been stated in those conventions that Yemen has previously ratified; and others including the provisions of the Yemeni constitution and law related to human rights and dignity, as well as the obligation to apply all principles and rules of international humanitarian law. In light of these international treaties and conventions, International Humanitarian Law, the Universal Declaration of Human Rights in general, the provisions of the Constitution and the Yemeni laws in force relating to the rights and freedoms related in this regard, the legal description and adaptation of the violations committed in this report will be implemented thoroughly



## Recommendations

### To the United Nations and the Peace Sponsoring Countries in Yemen:

- Pressurizing the Houthi group, the military and security formations supported by the coalition, and the legitimate government to release the kidnapped, detained and forcibly disappeared persons.
- Pressurizing the signed parties of exchange agreement of the prisoners', detainees, missing persons, detainees and forcibly disappeared persons under house arrest in Stockholm, to implement it comprehensively and on a humanitarian basis without delay.
- Obliging detention authorities to empower victims of their rights guaranteed to them in the constitution and humanitarian law.
- Contributing to the efforts to protect human rights in Yemen, side by side with the relief efforts.

### To the Special Envoy of the United Nations Secretary-General to the Republic of Yemen:

- Separating the file of civilian abductees from the file of captured battlers, and pressurizing the parties to release the civilians abductees without restrictions and conditions.
- The pressure for the immediate release of the abducted women as a humanitarian obligation.
- Pressurizing to stop the trials of civilians kidnapped due to the war, the sentences issued against them, and to release them.
- Promoting the participation of women in the peace process, as their efforts are at the forefront of many humanitarian and human rights issues.

### To the Yemeni government:

- The release of all detainees so swiftly.
- Allowing human rights organizations to visit prisons, and to play their role as a watchdog over the rights of kidnapped and detained persons from the violations they are subjected to.
- Endorsing the sign the International Convention for the Protection of All Persons from Enforced Disappearance.





- Pushing the criminal cases by the Public Prosecutor and initiating them himself, including the issue of enforced disappearance, murder under torture, and the bombing of prisons.
- Work seriously and decisively to uncover the fate of those forcibly disappeared by the military and security groups present in their areas.
- Accountability and punishment of the perpetrators of kidnapping, detention, enforced disappearance, and torture.
- To fulfill their obligations in front of the local and international community in the Yemeni constitution, the Universal Declaration of Human Rights and international humanitarian law.
- Including the families of the kidnapped and the disappeared persons in the vulnerable cases and providing their needs within the relief programs.
- Fair Compensation for victims of torture and those released abductees.

#### **To the Houthi group:**

- The speedy and unconditional release of all kidnapped, and detained persons both males and females.
- Disclosure of the fate of the forcibly disappeared, empowering them with their human and legal rights, and releasing them.
- Allow human rights organizations to visit prisons and monitor the human rights situation in them.
- Close all unofficial prisons and secret places of detention.
- Equitable compensation for victims of torture and released detainees.

#### **To the transitional council:**

- Disclosure of the fate of the forcibly disappeared persons, and release them quickly.
- Empowering the forcibly disappeared from their human and legal rights
- Close the secret prisons of the Transitional Council.
- Equitable compensation for victims of torture and the released detainees.

# **MOTHERS AT THE GATES OF JUSTICE 2**

This 2020 annual report precisely unveils the ill-treatment, illegal abductions, enforced disappearance and heinous crimes committed by the conflicting parties in the Rep of Yemen against the innocent abductees, forcefully disappeared and kidnapped civilians

**DURING THE YEAR 2020.**

FIFTH ANNUAL REPORT OF ABDUCTEES' MOTHERS ASSOCIATION, 2020

[www.ama-ye.org](http://www.ama-ye.org)



## ASSOCIATION OF THE ABDUCTEES' MOTHERS



### Definition

Association of the Abductees' Mothers is a Yemeni human rights organization formed of mothers, wives, and relatives of the abductees and forcibly disappeared persons. It consists of female activists working in the field of freedom and human rights; and deals with the issues of the kidnapped, arbitrarily detained and forcibly disappeared persons with consideration to gender.



### Vision

The leading organization to gain freedom for the kidnapped and detainees.



### Values and Principles

Humanity, independence, transparency, neutrality, and participation.



### The Message

The Abductees' Mothers Association seeks to provide support for the forcibly disappeared, abductees and arbitrarily detained persons through advocacy activities to ensure their safety and release; and to alleviate the anguish of their mothers and relatives.



## Strategic Objectives

Contributing to the release of the kidnapped, forcibly disappeared and arbitrarily detained persons; and the realization of their rights.

Contribute to strengthening the rule of law, raising awareness of human rights and the implementation of justice.



## Activities and interventions

1. Documenting cases of kidnapping and enforced disappearance outside the law.
2. Monitoring and documenting violations of the rights of abductees, arbitrarily detained, and forcibly disappeared persons and their families.
3. Mobilizing societal and official efforts, demand to reveal the fate of the forcibly disappeared internally and externally, and releasing the kidnapped and forcibly disappeared persons.
4. Seek and demand that those responsible for the perpetrators of violations related to kidnapping, arbitrary detention, and enforced disappearance be brought to justice, and insure compensation for the victims and their families.
5. Supporting the families of the kidnapped, forcibly disappeared, and arbitrarily detained persons, through legal awareness, psychological and material support.

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