



# 'GOD ONLY KNOWS IF HE'S ALIVE'

ENFORCED DISAPPEARANCE AND DETENTION VIOLATIONS  
IN SOUTHERN YEMEN

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**Cover photo:** Families protest unlawful detentions outside the presidential palace complex, 19 June 2018, Aden. Mothers, sisters, and wives of disappeared detainees and others held without charges by the UAE and the local forces it backs have been holding protests for more than two years now.

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# 1. EXECUTIVE SUMMARY

**“We have no idea where he is. God only knows if he’s alive...  
Our father died of a broken heart a month ago. He died not  
knowing where his son is.”**

Sister of a man who has been forcibly disappeared since his arrest in the fall of 2016

Dozens of families in southern Yemen are desperately looking for loved ones whose whereabouts remain unknown months and years after they have been detained by Yemeni security forces that report to the United Arab Emirates (UAE). These forces that do not fall under the control of the internationally-recognized government of President Abd Rabbu Mansour Hadi have been carrying out arbitrary arrests, unlawfully depriving individuals of their liberty and engaging in enforced disappearances, torture and other ill-treatment. One year after the media and human rights groups exposed a network of secret prisons operated by these forces and the UAE, revealing a range of shocking abuses, many detainees are still missing, serious violations continue, and impunity is rife.

Amnesty International investigated the cases of 51 individuals deprived of their liberty by UAE-backed Yemeni security forces and the UAE itself between March 2016 and May 2018 in the governorates of Aden, Lahj, Abyan, Shabwa, and Hadramawt. The vast majority of the cases involved enforced disappearance, with the fate and whereabouts of 19 of these men still unknown to the families. A range of other serious violations of international humanitarian law and international human rights law, including torture and other ill-treatment and deaths in custody, were also documented. It is a small sample of a wider pattern of detention-related abuses in an environment of impunity and barriers to justice.<sup>1</sup>

The research for this report was conducted between March and June 2018. The findings are based on interviews with 75 people, including families of detainees; former and current detainees; members of the civil society; lawyers; journalists; government, security and prosecution officials; and international experts with knowledge of events. The interviews were conducted remotely as well as in person during a field mission to southern Yemen in May. Amnesty International also examined satellite imagery of detention facilities and reviewed photos, letters from families to officials, government correspondence and orders by the prosecutor for the release of detainees.

The UAE is a key member in the Saudi Arabia-led coalition that has been involved since March 2015 in the non-international armed conflict in Yemen at the invitation of the government of President Hadi. There has been an armed conflict between the government and the Huthi armed group, which has controlled large parts of Yemen since late 2014. The coalition has carried out air and ground attacks in support of the government.

The UAE, which until recently has had rocky relations with President Hadi, has also been involved in security operations with the stated aim of combatting terrorism in southern and eastern Yemen – where al-Qa’ida in the Arabian Peninsula (AQAP) and the group calling itself the Islamic State (IS) have been active. The UAE

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<sup>1</sup> The Huthi armed group and its allies have also carried out arbitrary arrests, enforced disappearances, torture and other forms of ill-treatment which Amnesty International has documented in the past. This report, however, focuses on abuses and violations in the south by the UAE-linked forces.

has created, trained, equipped and financed various local security forces known as the Security Belt and Elite Forces and built alliances with Yemeni security officials bypassing their leadership at the Yemeni Ministry of Interior.

These forces, alongside UAE troops, have been widely implicated in egregious detention-related violations, including enforced disappearance and torture. The Security Belt, which operates in a number of southern governorates, including Aden, Lahj, and Abyan, and the Elite Forces of Hadramawt and Shabwa perform military and police roles. Although technically they are meant to be part of the security apparatus of the Yemeni government, these forces have been operating outside its command and control structure; their opaque nature has further complicated the challenge of holding perpetrators of violations accountable and securing remedies for victims and their families.

Families, who are not provided any information about where the detained are being taken, are left trying to navigate a confusing structure of security forces, where different forces have been carrying out arrests. Mothers, wives, and sisters of those forcibly disappeared have been holding protests for nearly two years now, making the rounds between government and prosecution offices, security departments, prisons, coalition bases, and various entities handling human rights complaints. In some cases, Yemeni security officials acknowledged they had the detainees in their custody but refused to reveal where they were being kept; and in other cases they told the families the detainees were transferred to the coalition's custody – something that has become associated with enforced disappearance as coalition bases have been off limits not only to the public, but also to oversight from the Yemeni government.

Testimony after another echoed the same sentiments. “Shouldn't they [the detainees] be given a trial? Why else are there courts? They shouldn't be disappeared this way – not only are we unable to visit them, we don't even know if they are dead or alive,” said the wife of a detainee who has been held incommunicado for more than two years.

Last year, the Associated Press and Human Rights Watch revealed that the UAE runs informal detention facilities in southern Yemen and that it has even moved some detainees outside the country. A network of more than a dozen other secret prisons run by UAE-backed Yemeni security forces was also exposed. Responding to growing pressure, Yemen's Prosecutor General activated relevant prosecution bodies that had had their work frozen due to the war; and he reached out to various security officials demanding an accounting of detainees.

The whereabouts of hundreds of detainees were revealed after they were moved to facilities under the Prosecutor General's supervision and families were allowed to visit. In some cases, detainees were released after being interrogated by prosecutors; some were referred to trials in Aden, where courts have resumed work.

A new round of releases in June and July 2018 saw scores of detainees freed in Aden and al-Mukalla, many of them months after prosecutors had ordered their release. These men were held without charges for extended periods, in some cases up to two years, underscoring the need for holding perpetrators to account and for ensuring remedy for the victims. Dozens of other detainees remain unaccounted for, with credible information that many are still being held in unofficial detention sites across southern Yemen, including coalition bases, and growing concerns that some may have died in custody.

Although the UAE-backed security forces have claimed these arrests and subsequent detentions are mostly linked to counter-terrorism operations – a narrative they have routinely promoted in media reports and on social networking sites – families, activists, and Hadi government officials say those arrested are not just individuals linked to AQAP or IS. Rather, many arrests appear to be based on unfounded suspicions and personal vendettas. Among those targeted have been former fighters who fought in the 2015 battles to rout the Huthis from the south and who are now seen as a threat; sympathizers and members of the Hadi-aligned al-Islah Party, Yemen's Muslim Brotherhood branch; as well as activists and critics of the coalition.

Individuals are ordered to appear before the security forces, or picked up from the streets, or rounded up in late night raids where security forces break into homes without warrants and point their guns at family members. Witnesses often referred to the security forces making the arrests as “the masked ones” and described their excessive use of force.

In addition to arbitrary arrest and enforced disappearances, Amnesty International documented the widespread use of torture and other ill-treatment by UAE troops and the Yemeni forces they back. Former detainees and families gave horrific accounts of abuse including beatings, use of electric shocks, and sexual violence in Yemeni and Emirati facilities. The organization also documented cases of individuals who died shortly after their arrest, apparently after being tortured.

Due to the fact that they are being carried out in the context of the armed conflict in Yemen, the practices of enforced disappearance and torture documented in this report amount to war crimes.

The organization is also concerned about a series of barriers to justice, accountability and remedy, including continued absence of judicial oversight over security forces, the UAE commanders' frequent ignoring of prosecutors' release orders, and intimidation and threats against families and victims who lodge complaints.

The UAE has consistently denied that it is involved in supervising detention facilities in Yemen, despite countless testimonies of detainees and satellite imagery evidence documented in various reports, including by the UN Panel of Experts on Yemen; statements by Yemeni government officials; and remarks by the leadership of the forces the UAE trains and backs. The Yemeni government, on the other hand, has repeatedly said it does not have control over the security forces trained and backed by the UAE. The legal authority under which the UAE engages in detention-related activities in Yemen remains unclear and neither side has taken serious steps to investigate violations or provide effective remedy and reparation to those whose rights have been breached.

Amnesty International is calling on the government of the UAE to bring the detention facilities it runs in Yemen under the oversight of the Yemeni Prosecutor General, and to account for the detainees in the custody of forces under its control. The UAE must also stop engaging in arbitrary arrests, enforced disappearance, torture and other ill-treatment; and conduct a prompt, effective and impartial investigation into the allegations of serious violations of international law, including the ones described in this report.

As for the Yemeni government and President Hadi, while the limits of their power have been laid bare, the UAE has been operating in Yemen at their invitation and with their consent. This means that the Yemeni government shares responsibility as it is failing to protect people under its jurisdiction from serious violations including torture and enforced disappearance. It, too, must conduct an investigation into violations of international law including the ones documented in this report, rein in both the Yemeni security forces it is accusing of insubordination and UAE forces meant to be acting at its behest, and ensure reparation for victims.

Key counter-terrorism partners of the UAE, specifically other members of the Saudi Arabia-led coalition and the United States of America (USA), should also honour their obligations by ensuring that international law is respected and by actively promoting compliance with the absolute prohibition against torture.

# 2. METHODOLOGY

This report is based on research conducted by an Amnesty International researcher between March and June 2018. As a result of the ongoing conflict, security constraints, and access limitations, research in Yemen is challenging. The majority of the interviews were conducted remotely by telephone and online chat and secure messaging applications; the researcher also conducted field research in Aden in May 2018.

The findings are based on interviews conducted with 75 people. Interviewees included former and current detainees, families of detainees, members of civil society, lawyers, journalists, government, security and prosecution officials; and international experts with knowledge of events. Amnesty International is withholding the names of witnesses, former and current detainees, family members, activists, lawyers, experts and some of the officials it has spoken with to protect their safety and confidentiality. Several interviewees, particularly former detainees and family members, cited fears of reprisals against them or their loved ones if it became known they had spoken with Amnesty International.

The organization has obtained and reviewed letters from families of detainees to officials, government correspondence, and prosecution orders. Amnesty International also examined media reports that included references to accounts of the arrests by relevant security forces.

Amnesty International examined satellite imagery of detention facilities to verify and corroborate testimonies by detainees and their families. The organization also obtained photos and drawings depicting torture. The photos were shared with forensic medical experts for analysis of alleged torture injuries.

On 21 June 2018, Amnesty International sent letters to the UAE and Yemeni governments detailing its findings and requesting clarifications regarding the allegations raised in this report. At the time of publication there had been no response.

# 3. INTRODUCTION

**“It’s not about maintaining security, it’s about building fractured security forces, [a] kind of divide and rule.”**

Yemen expert

The internationally recognized government<sup>2</sup> of President Hadi is officially in control of southern Yemen<sup>3</sup> although in reality its authority has been limited or non-existent in large parts of these areas. With a raging three-year armed conflict between President Hadi’s government, backed by the Saudi Arabia-led nine-state coalition against the Huthis and allied forces, the country’s divisions have deepened, rival armed factions have been empowered, and state institutions paralyzed.<sup>4</sup>

President Hadi has been living in Saudi Arabia since the coalition it spearheads first intervened in the conflict in March 2015.<sup>5</sup> The coalition has launched air and ground attacks on areas controlled or contested by the Huthis and their allies. President Hadi’s cabinet, led by Prime Minister Ahmed bin Dagher, operates out of the de facto capital, Aden.<sup>6</sup>

The UAE had been taking the lead in military operations in the south, including playing a key role in retaking Aden from the Huthis in 2015 alongside pro-Hadi units and “Southern Resistance” forces.<sup>7</sup> It has also been supervising counter-terrorism, cooperating with the USA on that front<sup>8</sup> and creating forces to oversee security and fight groups such as al-Qai’da in the Arabian Peninsula (AQAP) and the armed group calling itself the Islamic State (IS).<sup>9</sup>

Although supporting the Hadi government is the *raison d’être* of the Saudi Arabia-led coalition, tensions between the president and the UAE were widely reported.<sup>10</sup> The UAE had been bypassing Hadi government officials in dealing with security issues, at times prompting President Hadi and his supporters to criticize the UAE for behaving like an occupier.<sup>11</sup> In June 2018, President Hadi – and shortly before him, his outspoken

<sup>2</sup> A recognition reaffirmed in UN Security Council Resolution 2216, UN Doc. S/RES/2216 (2015).

<sup>3</sup> Technically, southern and eastern Yemen, however, the region is commonly referred to as “southern Yemen.”

<sup>4</sup> Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (Index: POL 10/6700/2018).

<sup>5</sup> Khaled Abdallah and Sami Aboudi, “Yemeni leader Hadi leaves country as Saudi Arabia keeps up air strikes,” Reuters, 26 March 2015, [reut.rs/2KG2hNb](http://reut.rs/2KG2hNb)

<sup>6</sup> The capital Sana’a has been under the control of the Huthis since September 2014.

<sup>7</sup> Michael Knights and Alexandre Mello, “The Saudi-UAE War in Yemen (Part 1): Operation Golden Arrow in Aden,” The Washington Institute, August 10, 2015, [bit.ly/2KJQB5N](http://bit.ly/2KJQB5N)

<sup>8</sup> Chatham House, *Yemen: National Chaos, Local Order*, Peter Salisbury, December 2017, [bit.ly/2ppB1wa](http://bit.ly/2ppB1wa)

The fight against AQAP and IS in Yemen is being supported by the USA through air strikes, strikes by remotely piloted vehicles (drones) and ground raids. See, for example, Michael Horton, “Can the UAE and its Security Forces avoid a wrong turn in Yemen?”; Lucas Tomlinson, “US Special Ops help UAE forces in Yemen anti-terror operation,” Fox News, 4 August 2017, [fxn.ws/2wqilpl](http://fxn.ws/2wqilpl)

<sup>9</sup> Michael Horton, “Can the UAE and its Security Forces avoid a wrong turn in Yemen?” CTC Sentinel, February 2018, [www.ctc.usma.edu/can-uae-security-forces-avoid-wrong-turn-yemen/](http://www.ctc.usma.edu/can-uae-security-forces-avoid-wrong-turn-yemen/)

<sup>10</sup> See, for example, Maggie Michael, “Yemen’s war within a war: What does new fighting mean?” Associated Press, 30 January 2018, [bit.ly/2MHcBoA](http://bit.ly/2MHcBoA)

<sup>11</sup> Maggie Michael, “Yemen’s war within a war: What does new fighting mean?”; Ahmed Al-Haj, “Yemeni minister accuses UAE of trying to fragment his country,” Associated Press, 26 February 2018, [yhoo.it/2INzlvj](http://yhoo.it/2INzlvj); The Arab Weekly, “UAE-Yemen contentious issues unresolved as Saudi-led coalition reports gains,” 27 May 2018, [bit.ly/2NkPktK](http://bit.ly/2NkPktK)



Minister of Interior – made a rare visit to Abu Dhabi, the UAE’s capital, in what was said to be an attempt to reconcile differences that have for long undermined security cooperation and the rule of law.<sup>12</sup>

The UAE effectively has established an entire security structure in Yemen parallel to that of President Hadi’s government. Based in part on stoking long-standing provincial rivalries in the south,<sup>13</sup> the UAE built alliances with security officials who should have been reporting to the Ministry of Interior; the UAE also created proxy forces – the Security Belt and the Hadrami and Shabwani Elite forces – which it has been directly training, arming, and funding.<sup>14</sup> They have been widely and credibly accused of committing violations that are detailed in later sections of this report.

The Security Belt has been operating in at least four southern governorates, including Aden, Lahj, and Abyan since early 2016.<sup>15</sup> Its units perform military and police roles.<sup>16</sup> While, in theory, it falls under the Ministry of Interior, by all accounts, the force reports to the UAE who trains it and pays for its salaries.<sup>17</sup> Not only has this placed the force outside the control of the Hadi government, in fact, there have been instances of fighting between it and forces loyal to President Hadi.<sup>18</sup> In one particularly serious incident, Security Belt forces backed southern separatists – known as the Southern Transitional Council (STC) – during an attempt to take control of the seat of the government in Aden in January, in fighting which left more than 30 people dead.<sup>19</sup>

In Hadramawt and Shabwa, the UAE created another set of forces in 2016 known as the Hadrami Elite and the Shabwani Elite forces; fighters are drawn from the same areas where they operate and also fall “outside the Yemeni military command-and-control structure.”<sup>20</sup> They have taken part in fighting AQAP and the Yemeni branch of the IS, including during operations to take back al-Mukalla, the capital of Hadramawt, from AQAP in April 2016.<sup>21</sup>

These forces do not always have a clear and delineated division of responsibility and the split within forces under the Ministry of Interior between units loyal to the Hadi government and others working with the UAE makes the picture even more complex. In Aden, for instance, at least three different forces have carried out arrests: In addition to the Security Belt, at least two different forces under the Aden Security Directorate – in theory an entity of the Ministry of Interior – have been carrying out raids and arrests in collaboration with the UAE.<sup>22</sup> One of the Security Directorate forces is a much-dreaded counter-terrorism unit. In several of the cases of arrests in Aden documented by Amnesty International, families could not tell for sure which of the three UAE-backed forces mentioned in this paragraph carried out the arrests.

Two senior Interior Ministry officials who spoke with Amnesty International said that counter-terrorism operations are happening entirely outside the control of the Hadi government. For example, “the head of Aden Security has become an excuse for [the UAE’s] actions... When you ask the Emiratis [about violations], they say these forces are affiliated to the head of Aden Security ... [but] the real power is in the hands of the Emirati officer,” a senior security official told Amnesty International.<sup>23</sup>

In an interview with Amnesty International in May 2018, the Yemeni Minister of Interior Ahmed al-Maysari said the UAE filled a security vacuum created after Huthi forces were driven out of Aden in 2015. At that time, the ministries of interior and defense had no capability to carry out their role. “While this was needed during a certain phase, it is currently a problem,” he said, explaining his government’s push to “streamline these forces under the command of the Ministry of Interior and the armed forces.”<sup>24</sup>

A few weeks after speaking with Amnesty International, al-Maysari, who had previously sent a letter to the Saudi Arabia-led coalition urging it “not to deal directly with the various security apparatuses and its leadership, but rather with us at the ministry,”<sup>25</sup> made a visit to the UAE. He reportedly described the trip as

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<sup>12</sup> AFP, “Yemen president in rare visit to estranged UAE ally,” 12 June 2018, [bit.ly/2sSSz38](https://www.reuters.com/article/yemen-uae/yemen-president-in-rare-visit-to-estranged-uae-ally-idUSKBN16G001); Mohamed al-Samei, “Yemeni interior minister meets UAE crown prince,” Anadolu Agency, 6 June 2018, [bit.ly/2t0ngm2](https://www.aa.com.tr/en/yemen/yemeni-interior-minister-meets-uae-crown-prince/20180606001)

<sup>13</sup> Interviews with several international and Yemeni experts and Yemeni security officials aligned with President Hadi March-May 2018; “The UAE’s Divisive Strategy in Yemen,” Kelly F. Thornberry.

<sup>14</sup> UN Security Council, *Final Report of the Panel of Experts on Yemen*, UN Doc. S/2018/68, paras 54-58.

<sup>15</sup> Human Rights Watch, *Yemen: UAE backs abusive local forces*, 22 June 2017, [bit.ly/2KpTkLI](https://www.hrw.org/report/2017/06/22/yemen-uae-backs-abusive-local-forces); S/2018/68.

<sup>16</sup> Chatham House, *Yemen’s Southern Powder Keg*, Peter Salisbury, March 2018, [bit.ly/2l6iEHx](https://www.chathamhouse.org/2018/03/yemen-southern-powder-keg)

<sup>17</sup> S/2018/68.

<sup>18</sup> S/2018/68.

<sup>19</sup> AFP, South Yemen separatists pin down government in de facto capital Aden, 31 January 2018, [bit.ly/2lQpKAa](https://www.reuters.com/article/yemen-aden/south-yemen-separatists-pin-down-government-in-de-facto-capital-aden-idUSKBN16G001)

<sup>20</sup> S/2018/68.

<sup>21</sup> *Yemen’s Southern Powder Keg*, Peter Salisbury. AQAP had seized al-Mukalla for a year, for more details, see for example, BBC, “Yemen conflict: Troops retake Mukalla from al-Qaeda,” 25 April 2016, [www.bbc.co.uk/news/world-middle-east-36128614](https://www.bbc.com/news/world-middle-east-36128614)

<sup>22</sup> Interviews with families of detainees, witnesses, security officials with Hadi’s Minister of Interior.

<sup>23</sup> Interview with Ministry of Interior official, Aden, 8 May 2018.

<sup>24</sup> Interview with Minister of Interior Ahmed al-Maysari, Aden, 13 May 2018.

<sup>25</sup> On file with Amnesty International.

a “success on the front of strengthening partnership and coordination.”<sup>26</sup> In subsequent remarks in June 2018, he spoke of an imminent formation of a joint command centre for security forces in southern Yemen under the leadership of his ministry;<sup>27</sup> at the time of writing, however, there has been no tangible change on the ground indicating a shift in the way the UAE-backed Yemeni forces operate.

In a letter to the Security Council in March 2018 responding to a report by the UN Panel of Experts on Yemen, the Yemeni government had stated that these forces and their leadership are not under its control. It said the head of the Security Directorate in Aden was appointed by an official government decree but that his actions have amounted to “rebellion,” and that “the government is considering appropriate options to hold him accountable and punish him.”<sup>28</sup> At the time of writing, he remains in his position; several officials told Amnesty International the government fears the political and security repercussions of sacking him.<sup>29</sup>

Experts and security officials who spoke with Amnesty International expressed concern that the structure of these forces inherently undermines the rule of law. One expert said the hiring process itself where individuals with certain political stances are favored would indicate that “the UAE is recruiting people to follow its agenda... which is about more than just counter-terrorism.”<sup>30</sup> Another expert said there did not even appear to be much coordination between these various forces: “The Security Belt, for example, does not have a unified command even at the governorate level. This indicates it’s not about maintaining security, it’s about building fractured security forces, [a] kind of divide and rule.”<sup>31</sup>

The UN Panel of Experts on Yemen had also documented cases where Emirati units conducted joint arrest activities with the above-mentioned Yemeni forces it backs.<sup>32</sup> The cases documented in this Amnesty International report – as far as was ascertained from testimonies – do not include instances of arrest where UAE forces were directly engaged in the arrest;<sup>33</sup> however, they include numerous cases of detainees transferred to the custody of the UAE military in Yemen.

## **UAE-BACKED YEMENI FORCES**

### **SECURITY BELT**

Created in March 2016, its units consist of around 15,000 fighters active in southern governorates including Aden, Lahj, and Abyan.<sup>34</sup> They carry out military and police duties and are officially supposed to be under the Yemeni Ministry of Interior’s command. They are trained and funded by the UAE and report to it.

### **ADEN COUNTER-TERRORISM UNIT**

One of the units affiliated with the deeply divided security department in Aden. It works closely with the UAE. This cooperation includes handing over arrested individuals to UAE military custody.

### **ELITE FORCES**

Operating in Hadramawt and Shabwa, these forces are made up of local fighters from the governorates where they are engaged. The Hadrami Elite was initially created by the UAE in 2016 to take part in seizing back al-Mukalla from AQAP; it is estimated to have at least 5,000 fighters, according to experts. The Shabwani Elite was formed later that year along the same style and is said to be comprised of at least 3,000 fighters.<sup>35</sup> The Elite Forces are officially part of the Yemeni military but have been trained by and receive salaries from the UAE to whom they report.

<sup>26</sup> SABA, “Deputy Premier and Interior Minister affirms his visit to the Emirates a success” [AR], 7 June 2018, [www.sabanew.net/viewstory/34299](http://www.sabanew.net/viewstory/34299)

<sup>27</sup> SABA, “Cabinet holds periodic meeting; discusses political, economic, services conditions” [AR], 28 June 2018, [www.sabanew.net/viewstory/35052](http://www.sabanew.net/viewstory/35052)

<sup>28</sup> Letter dated 20 March 2018 from the Permanent Representative of the Republic of Yemen to the United Nations addressed to the President of the Security Council and copied to the Chair of the Committee, on file with Amnesty International.

<sup>29</sup> He is backed by the UAE and the separatist Southern Transitional Council (STC).

<sup>30</sup> Phone interview, 13 April 2018.

<sup>31</sup> Phone interview, 17 April 2018.

<sup>32</sup> S/2018/68, Annex 62, paras 7-8.

<sup>33</sup> Arrests documented in this report were carried out by forces from the Aden Security Directorate, including its Counter-terrorism Unit; the Lahj Security Directorate; the Security Belt in Aden, Lahj, and Abyan; and the Hadrami and Shabwani Elite Forces.

<sup>34</sup> S/2018/68, para 55.

<sup>35</sup> S/2018/68, para 58.

# 4. THE DISAPPEARED

**“At least allow us to visit him or communicate with him. But instead, no word at all... Shouldn’t they be given a trial? Why else are there courts? They shouldn’t be disappeared this way.”**

Wife of a detainee held incommunicado since his arrest in the spring of 2016

On a hot afternoon in early May as temperatures neared 40 degrees in Aden, an Amnesty International researcher observed as a group of mothers whose sons have been missing since they were detained by UAE-backed forces for nearly two years gathered outside the house of the Yemeni Minister of Interior. They had been waiting for a few hours to be allowed in to follow up on a letter the minister had sent to coalition commanders on their behalf requesting clarification on the whereabouts of a dozen detainees who had not been referred to prosecutors and who are believed to be in coalition custody. Two of the women wept as they breathlessly detailed to the Amnesty researcher how they have been making the rounds between different government and prosecution offices, the National Commission to Investigate Alleged Violations of Human Rights, and other entities such as the International Committee of the Red Cross (ICRC), pleading for the cases of their disappeared loved ones.

Amnesty International examined the cases of 51 individuals who were deprived of their liberty by UAE-linked Yemeni security forces and the UAE military between March 2016 and May 2018. In violation to both Yemeni and international law, the vast majority of the cases involve enforced disappearance at some point during or throughout the entire period of detention – that is, authorities refusing to acknowledge the detention of these individuals, or acknowledging it but refusing to disclose information about where the detainees are, holding them in informal detention sites, and denying them access to the outside world with the effect of depriving them of the protection of the law. The whereabouts of 19 of these detainees remain unknown, in some cases for up to two years, during which parents died, wives gave birth, and school exams were missed.<sup>36</sup>

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<sup>36</sup> Last updated on 4 July 2018.

## ENFORCED DISAPPEARANCE

The definitive definition of enforced disappearance is codified in Article 2 of the 2006 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED): the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.<sup>37</sup> The fact that Yemen and the UAE are not parties to the ICPPED does not release them from the obligation not to subject anyone to enforced disappearance. Enforced disappearances include acts prohibited by peremptory norms (*jus cogens*) of international law, which are legally binding on all states.

These acts also violate Yemen’s obligations under the International Covenant on Civil and Political Rights (ICCPR)<sup>38</sup> and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the UAE’s obligations under the CAT.<sup>39</sup> Treaty bodies, human rights courts and other human rights bodies have repeatedly found that enforced disappearances violate – including during armed conflicts – the right to liberty and security of person,<sup>40</sup> the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment,<sup>41</sup> the right to a remedy,<sup>42</sup> and the right to life.<sup>43</sup> The conduct entailed in the practice of enforced disappearance also violates Yemen’s constitution<sup>44</sup> and criminal code.<sup>45</sup>

The prohibition on enforced disappearances is recognized as part of customary international humanitarian law applicable in both international and non-international conflicts.<sup>46</sup> Enforced disappearance violates, or threatens to violate, a range of customary rules of international humanitarian law, most notably: the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel or inhuman treatment and the prohibition of murder. Violations of these rules constitute war crimes for which there is individual criminal responsibility.<sup>47</sup> Individuals – whether civilians or military – can be held criminally responsible for certain violations of international humanitarian law and of human rights law, including enforced disappearance.

In the 51 cases of deprivation of liberty examined by Amnesty International, five detainees had turned themselves in after learning they were wanted while the rest were rounded up. The incidents, which took place in the governorates of Aden, Lahj, Abyan, Shabwa, and Hadramawt, involved personnel from the Aden Security Directorate and its counter-terrorism force, Lahj Security Directorate, the Security Belt Force (in Aden, Lahj, and Abyan), and the Hadrami and Shabwani Elite Forces. Excluding those whose whereabouts remain unknown, 17 of the cases examined remain in detention, without having been charged or tried many months after they were taken into custody.<sup>48</sup>

Families consistently described how they have suffered because of not knowing the fate of their detained loved ones for prolonged periods of time. “We have no idea where he is, God only knows if he’s alive,” said the sister of a 44-year-old man who was arrested in Aden in the fall of 2016. The sister told Amnesty International that her brother’s baby was born less than a month before he was seized by either the counter-terrorism unit or another unit from the Aden Security directorate. She added:

**Our father died of a broken heart a month ago. He died not knowing where his son is... We just want to know our brother’s fate. We just want to hear his voice and know where he is. If he has done something**

<sup>37</sup> Article 2, International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

<sup>38</sup> For example, Articles 7, 9, 14.

<sup>39</sup> For an example of how enforced disappearances violate obligations under the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, see UN Committee against Torture, Communication No. 456/2011: Decision Adopted by the Committee at Its Fifty-fourth Session (20 April - 15 May 2015).

<sup>40</sup> European Court of Human Rights (ECtHR), *Kurt v Turkey* Judgment, 25 May 1998; Inter-American Court of Human Rights (IACtHR), *Velasquez Rodriguez v Honduras* Judgment, 29 July 1988.

<sup>41</sup> African Commission on Human and Peoples Rights, *Amnesty International and others v Sudan*, Communications 48/90, 50/91, 52/91 and 89/93, 15 November 1999; UN Human Rights Committee, *Mojica v Dominican Republic*, Communication 449/1991, Views, 10 August 1994.

<sup>42</sup> IACtHR, *Blake v Guatemala* Judgment, 24 January 1998; ECtHR, *Tas v Turkey* Judgment, 14 November 2000.

<sup>43</sup> ECtHR, *Demiray v Turkey* Judgment, 21 November 2000; IACtHR, *Bamaca Velasquez v Guatemala* Judgment, 25 November 2000.

<sup>44</sup> Article 48, The Constitution of the Republic of Yemen, [www.refworld.org/pdfid/3fc4c1e94.pdf](http://www.refworld.org/pdfid/3fc4c1e94.pdf)

<sup>45</sup> For example, Articles 73 and 76 of the Criminal Procedure Law of 1994, which among other requirements stipulate that persons deprived of their liberty should be allowed to contact whomever they see fit, and be brought before the judiciary within 24 hours of the arrest, [bit.ly/2JcGCuZ](http://bit.ly/2JcGCuZ)

<sup>46</sup> International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, Volume 1: Rules, Rule 98.

<sup>47</sup> ICRC, *Customary IHL Study*, Rule 156. Rome Statute of the International Criminal Court, Article 8.

<sup>48</sup> Last updated on 4 July 2018.

**[wrong], aren't there courts to try them? ... At least put them on trial, let us visit them. What is the point of courts? Why disappear them like this?<sup>49</sup>**

Detailing the excruciating process that followed the arrests, families explained how they went from one security department to the other and knocked on the doors of various government and prosecution officials to inquire where detainees were taken. In some cases, the Yemeni security officials they spoke to acknowledged they had the detainees in their custody but refused to reveal where they were being kept,<sup>50</sup> and in some cases they told the families the detainees were transferred to the coalition's custody. Many families have come to associate a transfer to the coalition with enforced disappearance as coalition bases have been off limits not only to the public, but also to oversight from the Yemeni government.

The wife of a detainee from Lahj who has been held incommunicado since he turned himself in, in the spring of 2016, said:

**I went around looking for him and asking where he was being kept. They told me 'be patient, he will return.' I looked here and there, everywhere, he hasn't been back. I went to the coalition [base in Aden], I went to the Prosecutor General... I went to the courts complex, to the Criminal Investigations Department, to Mansoura Prison [in Aden], everywhere, I didn't leave a place I didn't look and still no word. They tell me he is in the Coalition [Prison]<sup>51</sup>, I say, well, if he is, at least do an investigation and determine his fate, maybe he's not guilty and should be released. At least allow us to visit him or communicate with him. But instead, no word at all... Shouldn't they be given a trial? Why else are there courts? They shouldn't be disappeared this way – not only are we unable to visit them, we don't even know if they are dead or alive... Our lives have been in shambles... I barely enjoyed my marriage, he was taken soon after we wedded.<sup>52</sup>**

This bureaucratic rigmarole has not only taken its toll on families emotionally, for the vast majority of those involved, it has been a major financial burden. Families have repeatedly traveled lengthy distances, at times between governorates, inquiring about the whereabouts of detainees, many of whom were their primary breadwinner. "We don't have a car to keep going back and forth between different offices like this, our conditions are very difficult," said the sister of a detainee whose fate has been unknown since he was arrested in Aden in July 2016. "We can't afford medication, we can barely afford to eat," she said, explaining that her brother's disappearance has worsened their ailing mother's health condition and driven his wife into mental illness.<sup>53</sup>

In June 2017, the Associated Press and Human Rights Watch said they documented between 11 to 18 unofficial detention facilities in southern Yemen – namely in Aden and Hadramawt – run by Yemeni forces backed by the UAE.<sup>54</sup> At least two of the facilities were said to be directly run by the Emirati military, including one at al-Rayyan airport in al-Mukalla. The unofficial or secret facilities run by Yemeni security forces such as the Security Belt and the Hadrami Elite Forces are said to be located in a variety of buildings including the headquarters of different security agencies, government buildings, private residences, deserted hotels and former recreational facilities.<sup>55</sup> Yemeni human rights activists and lawyers had compiled lists of names of hundreds of detainees who had been arbitrarily arrested and held incommunicado in those facilities.

The UN Panel of Experts on Yemen also reported that some Yemeni officials "maintained extrajudicial detention sites,"<sup>56</sup> and that UAE forces detained individuals outside the control of the Yemeni government in three bases in Aden, Hadramawt, and Shabwa.<sup>57</sup> Despite the UAE's assertions that detainees are held under the control of the Yemeni government and that it does not operate prisons in the country, the panel detailed in its report how, for example, satellite imagery shows the construction of cells inside the UAE's base in Bureiqqa, Aden, and the expansion of the facility between April 2016 and November 2017.<sup>58</sup> Amnesty

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<sup>49</sup> Phone interview, 14 March 2018.

<sup>50</sup> In a few of the cases documented by Amnesty International, detainees were moved to official detention facilities, for example, to Mansoura Prison in Aden, where families had access to them before they were once again transferred to a secret location and no longer reachable.

<sup>51</sup> The informal detention facility inside the UAE/coalition base in Aden's Bureiqqa district is commonly referred to as the Coalition Prison.

<sup>52</sup> Phone interview, 22 March 2018.

<sup>53</sup> Interview, Aden, 9 May 2018.

<sup>54</sup> Maggie Michael, "In Yemen's secret prisons, UAE tortures and US interrogates," Associated Press, 22 June 2017, [www.apnews.com/4925f7f0fa654853bd6f2f57174179fe](http://www.apnews.com/4925f7f0fa654853bd6f2f57174179fe)

Human Rights Watch, *Yemen: UAE backs abusive local forces*.

<sup>55</sup> Maggie Michael, "In Yemen's secret prisons, UAE tortures and US interrogates; Human Rights Watch, *Yemen: UAE backs abusive local forces*.

<sup>56</sup> S/2018/68, para 181.

<sup>57</sup> S/2018/68, Annex 62, para 4.

<sup>58</sup> The panel said it had identified the location of the facility in Bureiqqa through drawings and the testimony of six detainees. S/2018/68, Annex 62, para 6.

International’s own examination of satellite imagery between July 2015 and June 2018 confirms the same analysis (see imagery below), from the early days of the construction of the base’s walled perimeter, to the development of the detention area, its expansion and the use of containers on the premises.<sup>59</sup> Analysis of the imagery essentially mirrors the timeline of the arrival of UAE forces in Aden in July 2015 and the creation of their base; and the construction of the detention facility on premises as of April 2016 with subsequent expansion throughout the remainder of 2016 and early 2017 aligning with the waves of arrests documented by Amnesty International and others.



The upper satellite image from 14 July 2015 shows an open area with a walled perimeter in Aden’s Bureiqa district, by 12 April 2016 as seen in the lower image, construction had started within the large perimeter of the base and the perimeter of the detention center becomes apparent.

<sup>59</sup> Details that aligned with the testimony of former detainees who spoke with Amnesty International.



On 15 May 2016, construction of three buildings is visible. Walls of 12 individual rooms with an approximate area of 5m<sup>2</sup> each are apparent. On 25 October 2016, the structures appear complete and containers have been moved nearby, suggesting possible connection with the detention area.

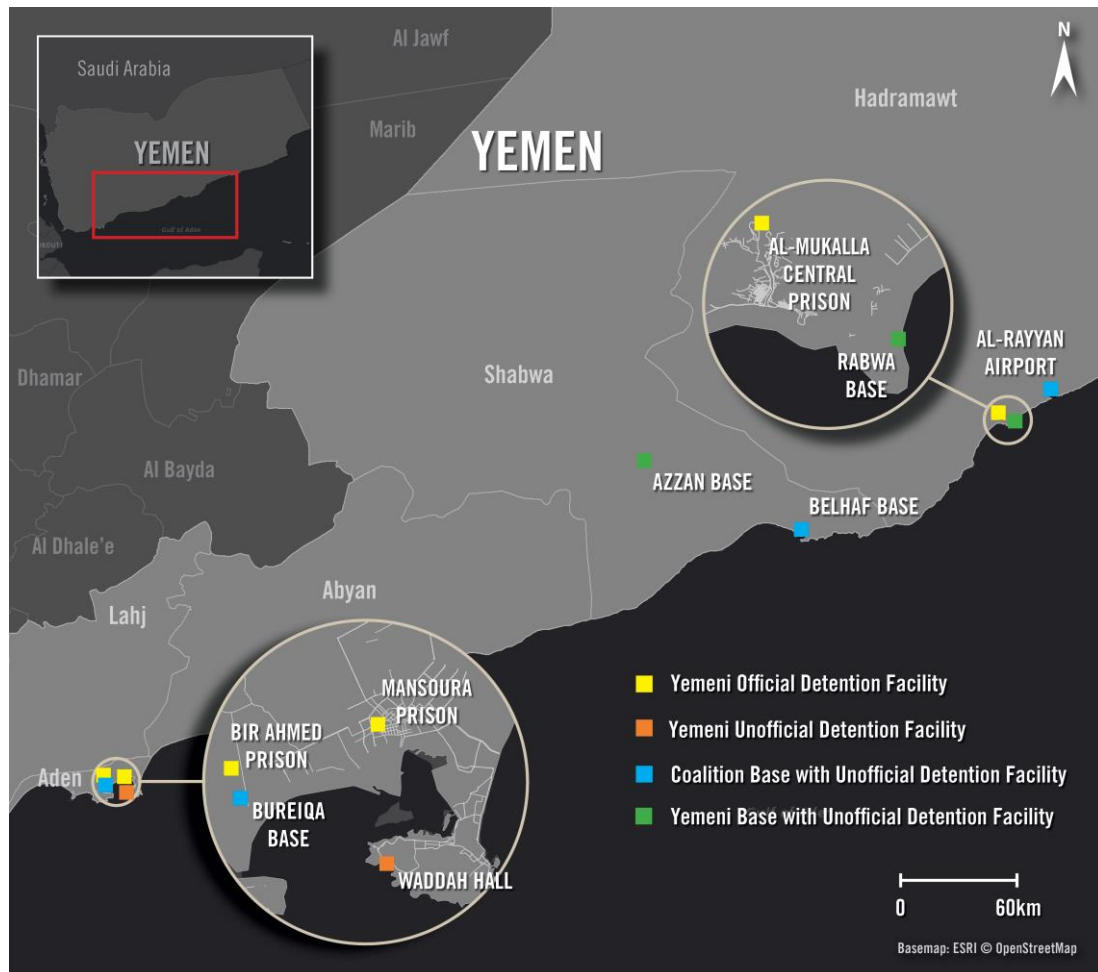


On 1 March 2017, imagery shows the area has been expanded and three new structures are visible. The color and configuration of the containers outside the perimeter has changed, suggesting they were updated or they are new containers. Two new helicopter pads are also under construction.



On 18 June 2018, imagery shows a change in the containers and a cluster of new small structures compared to the imagery from March 2017, which would indicate that the facility is likely still being maintained and in use.

Based on interviews with former and current detainees and families, Amnesty International documented cases in this report of individuals who were held in some of the above mentioned unofficial facilities, including the facility inside the UAE base in Aden's Bureiqa district (commonly referred to as the "Coalition Prison"), a deserted Aden nightclub known as Waddah Hall; the Hadrami Elite base in Rabwa and al-Rayyan airport in al-Mukalla; and the Shabwani Elite camp in Azzan and UAE base in Belhaf, Shabwa. The vast majority of the cases documented by Amnesty International involved transfers between various facilities, including transfer of detainees between the custody of Yemeni and UAE forces.



Map showing some of the official and unofficial detention facilities in southern Yemen where Amnesty International documented cases of arbitrary arrests, enforced disappearance, and torture and other ill-treatment. It does not include all detention facilities where violations take place.

Both AP and HRW reported that some detainees were possibly transferred by the UAE military outside Yemen to its base in the Eritrean port city of Assab, where the UAE has trained some of the Yemeni forces it backs. Two Ministry of Interior officials and two former detainees who spoke with Amnesty International made similar assertions though the organization was unable to obtain first hand testimony of detainees who were taken there.

The work of the various prosecution offices and courts was mostly suspended in southern Yemen in the wake of the battles with Huthi forces in 2015. Government buildings were destroyed during the fighting and judges were among officials who were targeted in a wave of assassinations blamed on armed groups including the IS in the subsequent security vacuum.<sup>60</sup> According to interviews with three prosecution officials, by August 2017, Prosecutor General Ali al-A'awash – who moved to Aden – re-activated various offices under him, including the entity responsible for oversight of prisons and the Specialized Criminal Prosecution, which handles terrorism-related cases and suspects.

<sup>60</sup> See, for example, Mohammed Ghobari and Yara Bayoumi, "Wave of Aden killings test Gulf role in Yemen," Reuters, 9 February 2016, reut.rs/2u3rKJK



In line with Yemeni law, the Prosecutor General pushed to bring Mansoura prison, an official facility that is controlled by the Security Belt, under his oversight, taking over detainee case files by October, including those of 300 individuals held over alleged terror links.<sup>61</sup> As pressure mounted from families complaining about others held in unofficial sites, specifically in a facility known as Bir Ahmed near the coalition base in Aden's Bureiqā district, the chief prosecutor said he reached out again to the Security Belt to access the site.

In mid-November 2017 the UAE built an extension on the same grounds, which became known as Bir Ahmed II, and transferred more than 200 detainees there.<sup>62</sup> The Prosecutor General inspected the new premises, he managed to get families visitation access as of December 2017, and the ICRC toured the facility in February 2018.<sup>63</sup> Satellite imagery below shows the site of the defunct Bir Ahmed I and the newer Bir Ahmed II, which now that it has become an official facility is being referred to by authorities as Mansoura II. It remains dedicated primarily to detainees held on suspected ties to AQAP or IS. Among the cases of arbitrary arrests and enforced disappearance documented in this report, at least nine were held in Bir Ahmed I or II or both.

According to the Aden Specialized Criminal Prosecutor, in May there were around 150 detainees in Bir Ahmed II (now officially referred to as Mansoura II), which is run by the Security Belt.<sup>64</sup> Prosecutors had been interrogating suspects there for several months, issuing release orders for some and referring others to court, but there were still detainees whose case files were not handed over to the prosecutors by prison authorities.<sup>65</sup> The prison director, a Security Belt official, has been effectively reporting to the UAE and not the Yemeni Ministry of Interior.

In Hadramawt, too, by 13 November 2017, more than 130 detainees were transferred from the unofficial UAE-run facility at al-Rayyan airport to the Central Prison in al-Mukalla.<sup>66</sup> Amnesty International documented the cases of four detainees from Hadramawt and at least one from Shabwa who spent time in the facility at al-Rayyan airport before being moved to the Central Prison. While detainees were held at al-Rayyan, some families were able to interact with Emirati officers (whom they knew only by pseudonyms), and were allowed intermittent, terse phone calls with their detained relatives. The Prosecutor General told Amnesty International he visited Hadramawt in January to follow up on detention issues there; there is an estimated 150 detainees in al-Mukalla's Central Prison, where prosecutors have also been holding interrogations, issuing release orders, and processing cases.<sup>67</sup>

In June and July 2018, scores of detainees were released from prisons in Aden and al-Mukalla, including some of those whose arbitrary detention or disappearance was documented by Amnesty International in this report. These men were held without charges for extended periods, in some cases up to two years, highlighting the need for remedy for the victims, as well as for holding perpetrators to account.

The authorities failed to disclose the lists of names of detainees who "re-appeared" after they were transferred to official detention and the judiciary was given access to them, nor were their families officially notified. In fact, families continued the process of asking around for their loved ones and reaching out to various human rights bodies and prosecution and government officials to locate detainees. The whereabouts of dozens<sup>68</sup> of detainees remain unknown with many believed to be in coalition custody in facilities including the one in the base in Bureiqā; new arbitrary arrests and disappearances continue to happen.

When Amnesty International visited prosecution officials in the Aden courts complex and in Mansoura prison in May 2018, the researcher saw binders full of complaints from families of missing detainees as well as family members coming to ask in person. The Prosecutor General, whose office was packed with relatives the day the researcher visited the courts complex, has dedicated two days a week to meet with families and hear their complaints.

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<sup>61</sup> Interview with Prosecutor General Ali al-A'awash, Aden, 7 May 2018.

<sup>62</sup> The move came after mounting pressure following the revelations about secret prisons earlier in the summer, and after detainees in the facility went on hunger strike in October protesting their conditions. See, for example, "Yemen/UAE: Aden hunger strike highlights detainee abuse," Human Rights Watch, 26 October 2017, [bit.ly/2NgzlwC](https://www.hrw.org/news/2017/10/26/yemen-uae-aden-hunger-strike)

<sup>63</sup> Interviews with former and current detainees, security and prosecution officials March – May 2018; S/2018/68, para 181 and Annex 65, para 12; ICRC, "Yemen: In major breakthrough, ICRC visits conflict-related detainees in Aden," 11 February 2018, [bit.ly/2KHdH6n](https://www.icrc.org/en/news/2018/02/11/yemen-icrc-visits-conflict-related-detainees-in-aden)

<sup>64</sup> Interview, Aden, 9 May 2018.

<sup>65</sup> Leaving these detainees in legal limbo – their whereabouts known, but in the absence of case files, prosecutors are unable to interrogate them to determine their fate.

<sup>66</sup> Maggie Michael, "Dozens of detainees leave 2 Yemeni secret prisons," Associated Press, 13 November 2017, [apnews.com/fff3f6580aaa4d21ae6aca5c03686f3d](https://www.apnews.com/fff3f6580aaa4d21ae6aca5c03686f3d)

<sup>67</sup> Prosecution officials told Amnesty International in May that trials have started in Aden, but not yet in Hadramawt. In Aden, around 40 people were referred to trial on terrorism-related charges and there have been verdicts in nine cases. Amnesty International has not been able to determine at this point whether these trials met international standards for fair trial.

<sup>68</sup> The precise number is difficult to determine given just how widespread and systematic the arrests have been; the secretive nature of the detention practices; and the refusal of the UAE to officially acknowledge and account for the detainees in its custody or under its supervision.



Satellite image from 18 June 2018 shows the site in Aden of the defunct Bir Ahmed I prison and the newer Bir Ahmed II, which became an official detention facility in November 2017.

As the period without news of their disappeared relatives extended into months or even years, families have sought out different ways to obtain information. They have communicated with prison guards on an unofficial basis and have reached out to former detainees who have been released from various informal detention sites to check if they had encountered their missing relatives there. In Aden and al-Mukalla families have been holding protests<sup>69</sup> and have started groups on social networking sites to share information. But that has made them vulnerable to unconfirmed reports, rumors, and false information, exacerbating families' anguish. At one point, a list was circulated on social media with the names of some 20 disappeared detainees rumored to have died in custody.

At least three families told Amnesty International they were approached by individuals who had documented detention abuses and by men who said they were former detainees to tell them their relatives died in custody, either under torture or due to deteriorating health conditions. Families said when they checked with the leadership of the UAE-backed Yemeni forces they denied these reports. "If they would just confirm to us that my brother is alive, if they would just let us see him, that's all we want. But we can't get anyone to give us any confirmation. My mother dies a hundred times every day. They don't know what that's like,"<sup>70</sup> said the sister of a detainee who disappeared after he was arrested in September 2016 and who is widely rumored to be among those who died in custody.<sup>71</sup>

Given the fact that these disappearances have taken place in the context of the armed conflict in Yemen, they should be investigated as possible war crimes.

<sup>69</sup> Families from Aden told Amnesty International that soldiers from the coalition base repeatedly took lists of names of missing detainees from them when they went to protest outside the base, but that they never heard back.

<sup>70</sup> Phone interview, 30 March 2018.

<sup>71</sup> Several former and current detainees as well as lawyers and activists who document detention-related abuses told Amnesty International there are disappeared detainees who died in custody due to being neglected after falling ill or due to complications resulting from torture. Ministry of Interior officials who spoke with Amnesty International also said they are aware that detainees, including specific cases, have died in custody and families were not informed.

# 5. WHO IS TARGETED, PATTERNS IN ARRESTS

**“There are financial incentives [for arrests] and they also have informants... They gather names in a primitive way.”**

Ministry of Interior official

**“Masked men came, I didn’t know who they were, they broke down my door and took [my son] from the house... at 3 am.”**

Father of a man arrested in late 2017

In media reports and on official pages on social networking sites, the arrests by the Security Belt, the Elite Forces, and other UAE-backed security units are often described by these forces as targeting “terrorists.” In at least 13 of the 50 cases of deprivation of liberty examined by Amnesty International, the organization found corresponding media reports quoting security sources as saying these individuals were members of AQAP.<sup>72</sup> But families, former and current detainees, Ministry of Interior officials, lawyers, and others have told Amnesty International many arrests have been arbitrary, without warrants or an explanation why individuals are being arrested. Political rivals and voices critical of the coalition’s practices have also been arrested.

Arbitrary arrest and detention violate the right to liberty and place detainees at risk of a range of other human rights violations. Arbitrary deprivation of liberty in armed conflict violates international humanitarian law, which is binding on all parties to the armed conflict in Yemen, including the UAE and the Yemeni forces it supports.<sup>73</sup> It also violates Yemen’s obligations under the ICCPR<sup>74</sup> and the country’s domestic laws.<sup>75</sup>

Among those who have been rounded up in droves in Aden, for example, are fighters and former volunteers who belong to anti-Huthi armed groups referred to collectively as *Muqawama* – Arabic for resistance – and comprised of people from different backgrounds, including from the various factions of the Southern

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<sup>72</sup> Several families who spoke with Amnesty International complained that the reputation of their detained loved ones – whose names and faces were splashed in TV, print, and online reports – was sullied in the media immediately upon arrest before they were ever given a due process.

<sup>73</sup> ICRC, *Customary IHL Study*, Rule 99.

<sup>74</sup> ICCPR, Article 9.

<sup>75</sup> The constitution, for example, prohibits arrests and detentions not pursuant to a judge or prosecutor’s order, The Constitution of the Republic of Yemen, Article 48, [www.refworld.org/pdfid/3fc4c1e94.pdf](http://www.refworld.org/pdfid/3fc4c1e94.pdf)

The Criminal Procedure Law enshrines various similar safeguards, including that arrests must be based on due process of law Article 7, The Criminal Procedure Law of 1994, [bit.ly/2JcGCuZ](http://bit.ly/2JcGCuZ)

The Penal Code stipulates a prison sentence of up to five years for deprivation of liberty without a legal basis, Article 246, Penal Code, [bit.ly/2JcGCuZ](http://bit.ly/2JcGCuZ)

Resistance. They had taken part in the battle against the Huthis in 2015 when civilians were asked to volunteer to defend their cities. After the Huthis were routed and driven out of Aden and other southern cities, UAE-backed forces started arresting many of these former volunteers and fighters whom analysts describe as belonging to units not aligned with the UAE. “They fear they might become a strong military and political force,” one expert told Amnesty International.<sup>76</sup>

At least 22 of those whose deprivation of liberty was examined by Amnesty International fought with these resistance forces at some point, including two senior leaders who are known to have rivalries with the competing units that arrested them. AQAP and IS fought Huthi forces in the battle for Aden in 2015 alongside these resistance forces and other pro-Hadi units backed by the Saudi Arabia-led coalition; but there is no evidence all those who have been rounded up are members of AQAP or IS. In any event, the rights of every person not to be arbitrarily detained, forcibly disappeared, or tortured, must be respected, including suspected members of AQAP and IS.

Arrests have also included members of the al-Islah Party, Yemen’s Muslim Brotherhood offshoot, which is aligned with Hadi’s government. In October 2017, for example, at least 10 members of the party were arrested in Aden, including one of its undersecretaries.<sup>77</sup> The UAE labels the Muslim Brotherhood as a terrorist organization despite the latter’s insistence it is not linked to such groups in the region. Families of three detainees from al-Mukalla who spoke with Amnesty International said their loved ones were among a group of more than 30 detainees in the Central Prison held without due process for months and whose release was ordered by the prosecution but was not being implemented because a handful of al-Islah party members were among those ordered released.

In some cases, individuals were asked to turn themselves in or face repercussions. In Lahj, for example, families said there was a list being circulated of 23 men wanted by the Security Belt. One man said the force came to their house and asked for his brother saying “if he does not turn himself in, consider him dead.”<sup>78</sup> The brother, like two other men in Lahj whose cases were documented by Amnesty International, turned himself in to the Lahj Security Directorate during the summer of 2016. None of their families have seen them since.

Consistent with the opaque nature of Yemeni security apparatuses, for the most part it is not clear why these UAE-backed security forces carry out particular arrests. Ministry of Interior officials who have had interactions with them and with the coalition forces said it is their understanding that at times the arrest orders come from the UAE and at times they are generated by the local forces.<sup>79</sup> In neither scenario is there any proper legal basis for such arrests.

The officials who spoke with Amnesty International said the intelligence behind some arrests appears shoddy, with people rounded up on mere suspicions. “There are financial incentives [for arrests] and they also have informants who work for them on the street and get rewarded in exchange. They gather names in a primitive way,” a security official told Amnesty International.<sup>80</sup> Several families said when security forces showed up at their door or picked up their loved ones from the street, someone who appeared to be an informant was in their vehicle, pointing at the person that was arrested.

More than one family told Amnesty International their sons were held because another brother or relative had been linked to an armed group or had previously been arrested. A father said his youngest son was sought after by the Security Directorate in Aden to force his eldest, an AQAP suspect, to turn himself in. The father took the younger son, legally a child at the time, and turned him in to the security directorate in the spring of 2016; he was moved around between official and unofficial detention facilities and his whereabouts have been unknown since late 2016 while his brother remains on the run.<sup>81</sup> In several cases more than one family member was taken – a former detainee from Aden said he and five of his family members, in addition to people who worked for them, were detained in a Security Belt raid he later learned meant to target his brother who, in fact, remains arbitrarily detained more than two years later.<sup>82</sup>

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<sup>76</sup> Phone interview, 17 April 2018. Remarks echoed by several experts and officials interviewed by Amnesty International.

<sup>77</sup> Reuters, “Yemen Islamist party members arrested, ratcheting up tensions,” 11 October 2017, [reut.rs/2Ni9LHT](https://www.reuters.com/article/yemen-arrests-idUSKCN19LHT)

Associated Press, “Yemen arrests point to widening rift in Saudi-led coalition,” 11 October 2017,

[www.apnews.com/6a94306456a444da8ac7cfbaf89e3246](https://www.apnews.com/6a94306456a444da8ac7cfbaf89e3246)

For more on the crackdown against al-Islah, see for example, “The UAE’s ulterior motives in Yemen,” Stratfor Worldview, 28 November 2017, [worldview.stratfor.com/article/uaes-ulterior-motives-yemen](https://worldview.stratfor.com/article/uaes-ulterior-motives-yemen)

<sup>78</sup> Phone interview, 11 April 2018.

<sup>79</sup> Interviews with two senior security officials, Aden, 4 and 8 May 2018.

<sup>80</sup> Interview, Aden, 8 May 2018.

<sup>81</sup> Phone interview, 10 April 2018. According to the father, his son was moved around various official and unofficial detention facilities, and his whereabouts have been unknown since late 2016.

<sup>82</sup> Interview, Aden, 7 May 2018.

Critics of the coalition and the practices of UAE-backed security forces, including community figures, activists, and journalists have also been rounded up. Amnesty International documented at least two such cases. In one incident, an activist from al-Mukalla who had been previously arrested by the Hadrami Elite Forces and released was re-arrested in early 2017, one day after he showed up at a protest by families of detainees who were held at a UAE base in al-Rayyan airport. He had been vocal on social media, calling for compensation for him and others who had been unjustly held. In another widely-publicized incident, an actor was arrested in Aden by the counter-terrorism unit in mid-2017, shortly after he posted a clip about a conflict between coalition members Saudi Arabia and the UAE; he was released after 13 months of arbitrary detention.

Witnesses described how detainees were dragged from places of work and on the street, in some cases they were beaten – at times to the point of bleeding or losing consciousness – and companions threatened when they attempted to question the arrest. When a 37-year-old man was being arrested by the Security Belt while hanging out with friends near his house in Aden he was beaten up when he asked why he was being taken, his family said; a friend who stepped in to stop the beating was detained too.<sup>83</sup>

In cases where arrests happened at home, witnesses said security forces showed up in large numbers, barged in oftentimes late at night or around dawn, pointing guns at family members, using excessive force amid the screams of women and children. They dragged out individuals without showing warrants, explaining the reason of the arrest, or saying where they are taking those being arrested. Witnesses often referred to the security forces making the arrests as “the masked ones” and described uniforms and gear consistent with that of UAE-backed forces, including, for example, the black uniform and body armor worn by the counter-terrorism unit of the Aden Security Directorate.

“They broke down the door and came in unannounced,” the father of an 18-year-old who was taken from his house in Aden said, describing the midnight raid. He said his younger children remain traumatized by the raid to the point that the daughter refuses to enter her detained brother’s room and another son is “terrified every time there is a knock at the door.”

The sister of a man who was arrested by the Security Belt in Lahj in the summer of 2016 witnessed his arrest alongside other siblings and his parents. She said:

**My brother was arrested at 5 am from [our] house... he was sleeping next to his wife. They were pointing their guns at us. We couldn't even put on our scarves to cover our heads. They cocked their automatic rifles at my father. They were asking for my brother by name, but didn't know what he looked like. They asked my father, 'Are you X?'<sup>84</sup> They spread around the house and started searching, when they got to my brother's room, they pulled him out. When they asked if he is X and he said, 'yes,' they took him and left my father. When they took him, he wasn't even dressed, he was in his underwear.<sup>85</sup>**

The father of a 20-year-old who was arrested from his house in Aden in late 2017 said:

**Masked men came, I didn't know who they were, they broke down my door and took [my son] from the house... They came at 3 am. His mother, elder [siblings] were all present. I also have two younger children who were present and were terrified... They [security forces] came in guns blazing and were threatening us with their weapons. They said, 'If you run, we will shoot.' Then they said, 'Where is Y?'<sup>86</sup> They wanted to enter my daughter's room, but we stopped them.<sup>87</sup> [My son] stepped out from another room and went with them. They just took him, they didn't say who they were.<sup>88</sup>**

In at least five of the cases documented by Amnesty International, families said security forces also stole valuables from them during raids. One woman whose husband, an accountant, was arrested earlier this year by the counter-terrorism force in Aden, said the force seized her cellphone and her husband’s and took a large sum of money – around \$4,000 in earnings of the shop he worked at and which he was meant to wire to the owner the following day.<sup>89</sup> A man whose brother was arrested in a Security Belt raid on their house in Aden in May 2016 said the force took and never returned two laptops, an iPad, a telephone, a camera, a gold necklace, and \$1,600 in cash.<sup>90</sup>

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<sup>83</sup> Phone interview, 3 April 2018.

<sup>84</sup> Name withheld to protect the identity of the witness and the detainee.

<sup>85</sup> Phone interview, 4 April 2018.

<sup>86</sup> Name withheld to protect the identity of the witness and the detainee.

<sup>87</sup> According to Yemeni law, during raids, “If women are found in the house, all due considerations shall be made to the traditions followed when dealing with them.” See Article 80 of Criminal Procedure Law of 1994.

<sup>88</sup> Phone interview, 5 April 2018.

<sup>89</sup> Phone interview, 11 April 2018.

<sup>90</sup> Phone interview, 26 March 2018.

In several instances where individuals were arrested from their car, or cars were seized by security forces during the raid, vehicles were not returned to the families, despite no apparent record they were logged as evidence. One woman from al-Mukalla said the vehicle seized after her son was arbitrarily arrested in al-Mukalla was her family's main source of income as the son, a father of three young children, used it as a taxi.<sup>91</sup> A former detainee who was arrested in Aden and held for almost two years said the car he drove as a taxi was seized alongside money and his cellphone when he was arrested; none of it has been returned to him after he was released despite his repeated attempts.<sup>92</sup> "One time they would say, 'No,' another time 'We are looking for it,' and another 'Forget about it,'" he said of the responses he got when he tried to get his vehicle back.

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<sup>91</sup> Phone interview, 13 April 2018.

<sup>92</sup> Phone interview, 27 March 2018.

# 6. TORTURE AND OTHER ILL-TREATMENT, AND DEATHS IN CUSTODY

**“It was unbearable, unimaginable. If it weren’t for God’s will, I would not have lived.”**

A man who was tortured in an informal detention facility in Aden

In addition to arbitrary arrest, denial of due process, and enforced disappearances, the UAE-backed local forces in Yemen as well as the UAE military have been implicated in a range of other serious detention-related violations, namely torture and other ill-treatment.<sup>93</sup> Amnesty International interviewed five former detainees and two current detainees – five of them said they have been subjected to torture and other ill-treatment; all seven witnessed other detainees being tortured, including one who said he saw a detainee held in a cell next to him being carried away in a body bag after he had been repeatedly tortured.<sup>94</sup> A number of the families of detainees who were interviewed, those who currently know the whereabouts of their relatives or others who had temporary access to them before they were disappeared, said their loved ones were subjected to torture.

The Constitution of Yemen explicitly prohibits torture<sup>95</sup> and so does the Criminal Procedure Law.<sup>96</sup> The Penal Code stipulates up to 10 years in prison for the use of force or torture to extract confessions.<sup>97</sup>

The absolute prohibition of torture is a peremptory norm of international law (*jus cogens*) binding on all states. The instances of torture and other ill-treatment documented in this report also are violations of customary international humanitarian law which all parties to armed conflicts are bound to uphold.<sup>98</sup> They also violate key international treaties that prohibit torture and to which Yemen and UAE are state parties: the Geneva Conventions (Common Article 3), their Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), the Convention against Torture (CAT). Yemen is a party to the ICCPR, which also prohibits torture and other ill-treatment in all circumstances.

Torture is a crime under international law. When committed in the context of an armed conflict, cruel treatment, torture and humiliating or degrading treatment are war crimes.<sup>99</sup>

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<sup>93</sup> See, for example, SAM, *UAE must stop violations against detained civilians in Yemen*, 12 April 2018, [bit.ly/2MGU6k1](https://bit.ly/2MGU6k1) ; Human Rights Watch, *Yemen: UAE backs abusive local forces*; Maggie Michael, “In Yemen’s secret prisons, UAE tortures and US interrogates;” S/2018/68, Annex 62, paras 20-21.

<sup>94</sup> Two of them were in the custody of Yemeni forces, the other five moved between the custody of Yemeni forces and that of the UAE military.

<sup>95</sup> Article 48(b), The Constitution of the Republic of Yemen.

<sup>96</sup> For example, Article 6, Criminal Procedure Law of 1994.

<sup>97</sup> Article 166, Penal Code of 1994.

<sup>98</sup> ICRC, *Customary IHL Study*, Rule 90.

<sup>99</sup> ICRC, *Customary IHL Study*, Rule 156. See also Rome Statute of the International Criminal Court (ICC), Article 8(2)(c)(i).

"I saw things I do not want to see again. In that place, you do not even see the sun," said a former detainee who was held for a few weeks at Waddah Hall, one of the more notorious informal detention facilities in Aden said to be under the control of the Security Directorate's counter-terrorism force. He detailed his ordeal saying:

**They were making all sorts of accusations [against me]. They were claiming I shot at the police at night. I said 'Where are you getting this stuff from?'... They started beating me... I spent two weeks there with the masked ones... Then one day, they released me at night, they said they had me confused with someone else... 'It was a mistaken identity, sorry.' It was as if they had done nothing after all the suffering I endured from electric shocks.<sup>100</sup>**

Two other men who were held at Waddah Hall also told Amnesty International they were tortured there. One of them said the head of the counter-terrorism unit in Aden was himself involved in the torture at Waddah Hall and that "the types of torture included: electric shocks, beatings, waterboarding, hanging from the ceiling."<sup>101</sup> He added: "They would throw accusations at you and it was like you pick the one that fits... 'You are al-Qa'ida' and so on. I would deny and say 'No, I am not. I am with the Southern Resistance'... I was severely tortured; it was unbearable, unimaginable. If it weren't for God's will, I would not have lived."

The other man said he was subjected to "indescribable stuff I hate recounting because it puts me in a very bad state... There was torture and insults. They extract 'confessions' from you by force, they extract from you what they want."<sup>102</sup>

A former detainee who was held for several months in Mansoura prison, which is under the control of the Security Belt, said the head of the prison used to torture him with electric shocks.<sup>103</sup> He added that soldiers would barge into the cells at times and start beating and torturing detainees under the pretext of looking for smuggled cellphones. At one point, as a form of further punishment, he was taken out of the usual cell he was kept in and thrown into another one that had mentally ill detainees, he said.

Family members of disappeared detainees had a window into the impact torture left on their loved ones when they were allowed temporary access to them in official facilities or when members of the same family were held together, witnessed what happened, and then one was released. A man who was held in the fall of 2017 alongside one of his relatives by the Shabwani Elite Forces in a camp in Azzan told Amnesty International his relative, who was younger, was beaten during interrogations, whereas he was spared. He explained:

**They would cover our eyes when they took us from our cell to the interrogation room... I would hear them [the forces] beating the young[er] men with whips and I could hear their screams during the interrogation... They did not beat me because I am over 50 years old. They asked me about the terrorists who occupied Azzan [city]<sup>104</sup> and whether I knew them.<sup>105</sup>**

One detainee who was briefly held with a relative in an unknown facility in Aden was beaten by guards so badly his ribs broke, he could not sit up and soldiers would carry him to the interrogation room, the relative told the family after he was released.<sup>106</sup> A man who was held with a relative in an unofficial Security Belt facility in Lahj was given electric shocks and beaten so severely his shoulder broke and he could not eat without the help of the relative who was held with him, the family said.<sup>107</sup> A father who was able to visit his detained son in Mansoura prison before he was taken to an unknown facility said his son bore clear marks of torture on his head and body.<sup>108</sup>

After dozens of detainees were "re-appeared" and moved to Bir Ahmed II prison last year, many horrific stories started emerging. The brother of a detainee who was disappeared for more than a year while held in Waddah Hall and was among those who were transferred to Bir Ahmed II late last year said:

**The first time we visited [in Bir Ahmed II], it was like they [the prisoners] had emerged from a famine. They were skin and bones. When we asked why they were in this state, they said it was because of their time at [Waddah Hall]. There was no good food and they were barred from showering. They got various**

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<sup>100</sup> Phone interview, 1 April 2018.

<sup>101</sup> Phone interview, 24 April 2018.

<sup>102</sup> Phone interview, 27 March 2018.

<sup>103</sup> Interview, Aden, 7 May 2018.

<sup>104</sup> For more on the takeover of Azzan by AQAP, see for example, Saeed Al-Batati and Eric Schmitt, "Yemenis see turning point after ousting Qaeda militants in south," *The New York Times*, 7 October 2017, nyti.ms/2xpSRm3

<sup>105</sup> Phone interview, 3 May 2018.

<sup>106</sup> Phone interview, 4 April 2018.

<sup>107</sup> Phone interview, 9 April 2018.

<sup>108</sup> Phone interview, 10 April 2018.



**diseases, including [dengue] fever and cholera. There are some detainees who died, others lived thanks to the grace of God without any medication or mercy [from their jailers].<sup>109</sup>**

Many witnesses and families who spoke with Amnesty International reported denial of timely medical treatment and practically all complained about ill-treatment and poor conditions in the Yemeni facilities, ranging from squalid conditions to overcrowding, to insufficient food and water. One father said his son who was held for 45 days in one of the informal detention facilities in Aden told him they were left without water for up to two days.<sup>110</sup> “Some prisoners resorted to licking water from the floor.”

Families of detainees held in the Central Prison in al-Mukalla said detainees have contracted all sorts of diseases there, including scabies. One woman whose son was transferred to al-Mukalla’s Central Prison after being held in UAE custody at al-Rayyan airport for 20 months said though she can now finally visit him, he remains in peril:

**Save our children. They are in danger. They have rash on their bodies and their conditions are terrible. He’s been in the same [prison] uniform for two years. Not only are they held without any legal reason for two years, they are refusing to let us bring them clothes.<sup>111</sup>**

Witnesses who were held in UAE facilities as well as Bir Ahmed (I and II), which is closely supervised by the UAE, also reported being subjected to or witnessing torture and other ill-treatment, including sexual abuse, and the use of prolonged solitary confinement. Witnesses said, at times, detainees were filmed as they were being tortured, including while being tied, stripped naked, given electric shocks and beaten with canes and wires.

A detainee who spent time confined at the coalition base in Bureiq, Aden, said he was subjected to “all sorts of torture” by UAE soldiers there including by repeatedly inserting an object into his anus until he bled. He said he was kept in a hole in the ground with only his head above the surface for up to three days during which he was only given a small amount of water twice a day and left to defecate and urinate on himself in that position. “We used to hear about torture and say ‘there is no way this stuff happens,’ until I actually experienced it,” he said.<sup>112</sup>

Former detainees who spoke with Amnesty International described intense intimidation and threats during interrogations by Emirati officers in the coalition detention facilities. A former detainee who was held in the coalition base in Bureiq for several months said:

**They asked me my name. Then they asked about my wife’s name, my children’s names, and whether I have links to terrorist groups. They threatened to kill me and bring my wife and arrest all my family. I was blindfolded and my hands were tied [during the interrogations]. They kept trying to pressure me, including psychologically, to confess that I am a terrorist.<sup>113</sup>**

The brother of a detainee who was held in the detention facility in the UAE base in Bureiq for an extended period<sup>114</sup> before being transferred to Bir Ahmed II said:

**The first time we visited him [in Bir Ahmed II], he was crying. It was as if he had emerged from a place he had lost hope of ever coming out of... He told us he experienced indescribable torture... They would ask him ‘Are you [Muslim] Brotherhood? ... Are you al-Qa’ida? ... Are you Daesh?’<sup>115</sup> ... The types of torture included beating and electric shocks, he even said they used to give him electric shocks to sensitive parts of his body... They broke [one of his limbs]<sup>116</sup> and did not give him proper treatment. It was splinted without medical intervention... There was psychological torture, including being insulted, threatened with disappearance and murder, and being stripped naked.<sup>117</sup>**

Family members and detainees themselves told Amnesty International that on 10 March 2018, an Emirati force – clearly identifiable as such through their uniform and accent – raided Bir Ahmed II and forced detainees to strip naked and undergo cavity searches. The facility is run by a Yemeni official affiliated to the Security Belt and although prosecutors were given access to detainees there, the prison is closely supervised by UAE commanders. Detainees said the Emirati soldiers told them they were looking for smuggled cellphones – they ordered them to lie down or sit on the floor and spread their legs and proceeded to search their anuses. Those who refused were beaten up and intimidated with police dogs.

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<sup>109</sup> Phone interview, 26 March 2018.

<sup>110</sup> Phone interview, 9 April 2018.

<sup>111</sup> Phone interview, 12 April 2018.

<sup>112</sup> Phone interview, 9 June 2018.

<sup>113</sup> Phone interview, 27 March 2018.

<sup>114</sup> Exact period withheld to prevent giving identifying details.

<sup>115</sup> The Arabic acronym for the group calling itself the Islamic State (IS).

<sup>116</sup> Withheld to prevent giving identifying details.

<sup>117</sup> Phone interview 16 March 2018.

Dozens of detainees at Bir Ahmed II went on hunger strike a few weeks after that episode, protesting their mistreatment and arbitrary detention. Hunger strikes at Bir Ahmed I and several other detention facilities, including in al-Mukalla, were reported in the past by human rights groups and the media.<sup>118</sup> According to witnesses and activists who spoke with Amnesty International, in some instances, UAE officers attempted to negotiate with the detainees, and in at least one occasion, the situation reportedly escalated into a riot that was crushed by force.

Solitary confinement was also documented by Amnesty International and others. One detainee who was allowed to make three phone calls to his family during the nine months he was held at the UAE-run prison in al-Rayyan airport told his family in one of the calls that he was kept in solitary confinement for one month, according to a family member who spoke with Amnesty International.<sup>119</sup> Another detainee said he was placed in solitary confinement for 15 days as soon as he was transferred from Waddah Hall to the UAE detention facility at the coalition base in Bureiqa even before he was interrogated by Emirati officers there. International human rights standards call for limiting the use of solitary confinement and standards unanimously adopted by the UN General Assembly in 2015 say it should only be used “in exceptional cases and as a last resort,” maintaining that prolonged solitary confinement<sup>120</sup> amounts to torture or other cruel, inhuman or degrading treatment or punishment.<sup>121</sup>

“They are one part fighting terrorism, and three parts creating it,” an Interior Ministry official who spoke with Amnesty International said.<sup>122</sup> “All those who are being mistreated and tortured are ticking bombs.”

Amnesty International documented the case of a man who was arrested from his house by the Shabwani Elite Forces earlier this year<sup>123</sup> and who was dumped next to his family’s house a few hours later alive but in a critical condition, with visible marks of torture. He died shortly after being taken to the hospital; the autopsy report viewed by Amnesty International detailed that the body sustained a long list of bruises, broken ribs, and heavy internal bleeding.<sup>124</sup> Amnesty International is aware of at least two other cases documented by local human rights groups of two detainees arrested by the Security Belt in separate incidents in Abyan in 2017 where their dead bodies emerged at hospitals shortly after the arrest, including one that bore evident signs of torture, according to analysis by forensic medical experts.<sup>125</sup>

In one recent case this spring<sup>126</sup> documented by Amnesty International, the bullet-riddled body of a suspect who had surrendered to a Security Belt force in Abyan in the presence of family and friends turned up at a hospital a few hours after he was taken into custody. The family maintains he was tortured and extrajudicially executed. Amnesty International was unable to determine from the pictures it viewed whether the body sustained torture, but the bullet holes were clear. A media report quoted a security official as saying the slain suspect was shot dead while trying to escape during a raid – a common explanation security forces have provided in the past – but witnesses who were present when he turned himself in dispute that account.

Last year, the Associated Press quoted unnamed US defense officials as saying US forces “participate in interrogations of detainees at locations in Yemen, provide questions for others to ask, and receive transcripts of interrogations from Emirati allies. They said US senior military leaders were aware of allegations of torture at the prisons in Yemen, looked into them, but were satisfied that there had not been any abuse when US forces were present.”<sup>127</sup> Even if US involvement were limited to using intelligence that had been obtained under torture by its counter-terrorism partners that would violate its obligations under international law, including as a party to the Convention against Torture (CAT), to ensure respect for the prohibition of torture and take measures to prevent acts of torture.<sup>128</sup> In May 2018, the US House of Representatives voted to require the Department of Defense to investigate the role of US military or intelligence personnel in detention violations in Yemen.<sup>129</sup>

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<sup>118</sup> See, for example, “Yemen/UAE: Aden hunger strike highlights detainee abuse,” Human Rights Watch.

<sup>119</sup> Phone interview, 17 April 2018.

<sup>120</sup> That is, solitary confinement that last over 15 consecutive days. UN Doc. A/Res/70/175, adopted on 17 December 2015, [www.un.org/press/en/2015/ga11745.doc.htm](http://www.un.org/press/en/2015/ga11745.doc.htm)

<sup>121</sup> A/Res/70/175.

<sup>122</sup> Interview, Aden, 8 May 2018.

<sup>123</sup> Further details withheld to prevent giving identifying details.

<sup>124</sup> Autopsy report on file with Amnesty International.

<sup>125</sup> Pictures on file with Amnesty International.

<sup>126</sup> Details withheld to avoid giving identifying details.

<sup>127</sup> Maggie Michael, “In Yemen’s secret prisons, UAE tortures and US interrogates.” In a subsequent story in 2018, the AP quoted a Pentagon spokesman as saying the allegations of torture were “disturbing,” but that “we have no substantiating information at this time.” Maggie Michael, “Detainees held without charges deny Emiratis’ sexual abuses,” Associated Press, 21 June 2018, [apnews.com/7994b4508e9c4a5eaf8a1cca9f20322f](http://apnews.com/7994b4508e9c4a5eaf8a1cca9f20322f)

<sup>128</sup> For an explanation of legal obligations of states regarding intelligence sharing and torture see: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/25/60, 10 April 2014. For more on legal concerns regarding US involvement in detention-related abuses in Yemen, see, for example, Ryan Goodman and Alex Moorehead, “UAE, a key US partner in Yemen, implicated in detainee abuse, 15 May 2017, [www.justsecurity.org/40978/uae-key-partner-yemen-implicated-detainee-abuse/](http://www.justsecurity.org/40978/uae-key-partner-yemen-implicated-detainee-abuse/)

<sup>129</sup> Associated Press, “House calls for Pentagon probe of alleged torture in Yemen,” 25 May 2018, [www.apnews.com/173360e5f7e84a89aac686669dfb079b](http://www.apnews.com/173360e5f7e84a89aac686669dfb079b)

# 7. BARRIERS TO JUSTICE

**“Until now, we don’t know who is doing counter-terrorism. They are unknown to us.”**

Yemen’s Prosecutor General

Amnesty International has found that the rights of detainees and their families are not only violated through direct detention-related unlawful practices, but also through a series of barriers to justice, accountability and remedy. These barriers include the continued absence of judicial oversight over security forces, the lack of investigations into violations, and intimidation and threats of reprisal against victims and witnesses.

From the moment the arbitrary arrests and detention happen, families are left confused and unable to determine who took their relatives and where to look for them. As detailed above, the presence of several competing agencies operating in shadowy conditions, as well as the involvement of the UAE in detaining suspects has not only created an environment conducive to enforced disappearance but has also made it difficult to take steps to challenge the lawfulness of detention.

At the heart of the violations and lawlessness is the lack of judicial oversight over the arrests, the units carrying them out, and the myriad of unofficial detention facilities. The Prosecutor General and other officials, for example, made it clear to Amnesty International that the government of Yemen has no control over counter-terrorism operations spearheaded by the UAE and implemented by the Yemeni forces it backs, despite the government’s push to assert its control. “We still have an issue with those who are involved in counter-terrorism [operations]. They are missing the legal background. There are certain procedures that must be followed... including proper search procedures and informing the family of [a detainee’s] whereabouts... Until now, we don’t know who is doing counter-terrorism. They are unknown to us,” the Prosecutor General told Amnesty International.<sup>130</sup>

Furthermore, release orders issued by the prosecutors to detainees that have finally come under their supervision have been at times disrespected and ignored.<sup>131</sup> Families and prosecutors told Amnesty International that in several instances, prosecutors had interrogated detainees in facilities such as Bir Ahmed II and the al-Mukalla Central Prison and ordered the release of detainees for whom there were no grounds to continue their detention; but that the orders were not implemented by the prison directors.<sup>132</sup> These prison directors have explicitly told families and prosecutors that in those cases the UAE had not approved the releases.

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<sup>130</sup> Interview, Aden, 7 May 2018.

<sup>131</sup> In fact, at one point, prosecutors in al-Mukalla went on strike protesting the obstruction to their release orders by the UAE, a local human rights group, families of detainees, and prosecution officials said.

<sup>132</sup> Amnesty International has viewed some of these release orders issued by the prosecutors and letters related to these orders (on file with Amnesty International) and interviewed families of detainees who were not released despite their names being on the order. The majority of those who were freed in June and July 2018 (see page 17) had been issued release orders months ago.

The UAE has repeatedly denied it is involved in unlawful detention practices in Yemen<sup>133</sup> despite all the evidence to the contrary. None of the Yemeni government officials interviewed by Amnesty International were able to provide a legal basis for the involvement of the UAE in arrests and detentions in Yemen, in fact, some said there isn't any. The UN Panel of Experts on Yemen had similarly concluded that "the legal authority under which the UAE engages in arrests and detentions in Yemen is unclear, as neither country would provide the relevant clarification."<sup>134</sup>

The Yemeni government, on the other hand, has said it does not have control over the security forces trained and backed by the UAE.<sup>135</sup> At the same time, the UAE's presence in Yemen and involvement in the conflict is at the invitation of, and with the consent of, the Yemeni government. Therefore, it is not an occupying force, and the Yemeni government remains responsible for ensuring that UAE forces operating with its consent respect international law and uphold human rights. In this regard, Yemen shares responsibility for human rights violations carried out by local forces linked to the UAE.

Despite ample documentation by the media, international and local human rights groups, and the UN Panel of Experts on Yemen about the previously detailed detention-related violations, there have been no serious investigations into the allegations, some of which (enforced disappearance and torture, for example) amount to war crimes. This runs contrary to the obligations of Yemen and the UAE under international law. Last year, after the network of secret prisons was exposed, the Yemeni Prime Minister reportedly announced that a committee headed by the Justice Minister was formed to investigate the allegations,<sup>136</sup> but as the UN Panel of Experts noted, the findings have not been made public.

Furthermore, the Panel of Experts has named specific Yemeni security officials who engaged with the UAE on detentions and whom it found responsible for violations. The Yemeni government has a duty to investigate these allegations and prosecute anyone against whom there is sufficient admissible evidence of responsibility. But that has not happened; and these officials remain in their positions, despite the fact that the Yemeni government had said in a letter responding to the Panel of Experts' report that the actions of one of these officials amount to "rebellion" and that it was considering appropriate measures to hold him to account.

Various Yemeni government bodies, including the Ministry of Human Rights, the Ministry of Interior, the Prosecutor General, and the National Commission to Investigate Alleged Violations of Human Rights, did process complaints by families of missing detainees. Amnesty International viewed letters sent by officials from some of these entities to the head of the Aden Security Directorate and to the coalition inquiring about the fate of detainees who have been unaccounted for.<sup>137</sup> Prosecution and Interior Ministry officials said they have received no response.

As for torture complaints, prosecutors said there was no evidence backing claims made by some detainees they had interrogated while they were in custody and that they received no specific complaints from families or former detainees. Such remarks are problematic for multiple reasons. It is not credible that prosecutors are unaware of the scale and consistency of allegations of torture and other ill-treatment in detention facilities and the numerous reports about that in the media and elsewhere. In such circumstances, states are required under international law to initiate investigations of torture or other ill-treatment, even if there has not been a formal complaint, and to provide individuals with a right to complain, to have their complaints investigated and to be offered protection against any threats or punitive measures in retaliation.<sup>138</sup>

It is also important to note the extent of the fear gripping families and former detainees who told Amnesty International they are terrified to speak out about abuses and bring forward complaints. Local human rights defenders in various southern governorates said what they document is only a fraction of the cases, because many families are too afraid of reprisal to talk to them. One former detainee told Amnesty International he was explicitly threatened by the Aden counter-terrorism unit before they released him that if he spoke of the torture he was subjected to "they would disappear me."<sup>139</sup> Another former detainee said "our situation is terrifying, I hope I don't get hurt, I don't want to return to the darkness, to that nightmare, I don't want to be separated from my family again."<sup>140</sup> The fear has been

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<sup>133</sup> The UAE maintains that the extent of its involvement is providing training and logistical and financial support to local Yemeni forces.

<sup>134</sup> S/2018/68, Annex 62, para 19.

<sup>135</sup> For example, Letter dated 20 March 2018 from the Permanent Representative of the Republic of Yemen to the United Nations addressed to the President of the Security Council and copied to the Chair of the Committee, on file with Amnesty International.

<sup>136</sup> Reuters, "Yemen government says to investigate allegations of abuse in secret prisons," 24 June 2017, [reut.rs/2KosaVo](https://www.reuters.com/article/2017/06/24/yemen-secret-prisons-idUSKBN1E0000)

<sup>137</sup> On file with Amnesty International.

<sup>138</sup> Convention against torture and other cruel, inhuman or degrading treatment or punishment, Articles 12, 13 and 16, [www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx)

<sup>139</sup> Phone interview, 1 April 2018.

<sup>140</sup> Phone interview, 27 March 2018.

compounded by the fact that several former detainees have been shot dead by unknown assailants after they were released.

Families of detainees who held protests in Aden and al-Mukalla have been intimidated and have come under attack. In a protest outside the coalition base in Aden last year, Yemeni security forces unleashed policewomen on the protesting female relatives of detainees; they were beaten and chased away. In another incident in 2017, families protesting outside al-Rayyan airport in al-Mukalla were dispersed by security forces who shot in the air, families said.

Local journalists critical of the UAE and the local forces it supports have been arbitrarily arrested.<sup>141</sup> Outspoken family members, human rights lawyers, and activists have also told Amnesty International they received threats through social media and other means.

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<sup>141</sup> See, for example, Associated Press, "Watchdog: Yemeni writer held after criticizing UAE forces," 27 February 2018, [fxn.ws/2KADWLR](https://www.fxn.ws/2KADWLR) ; Agence France Presse, "Yemen newspaper staff abducted by gunmen: watchdog," 27 March 2018, [bit.ly/2KsfGvV](https://bit.ly/2KsfGvV)

# 8. CONCLUSION AND RECOMMENDATIONS

There is significant evidence that UAE-backed Yemeni security forces and UAE troops in the country have committed a range of egregious detention-related violations, including enforced disappearance torture, and arbitrary detention. This conduct violates absolute prohibitions and cannot be justified under any circumstances, including in the context of armed conflict or counter-terrorism. Years of arbitrary arrests and the routine use of enforced disappearance have left hundreds of families in the dark about the fate of their loved ones. This cruel and unlawful practice has become so rampant, that any time the UAE-backed forces detain someone, their families expect that they will be forcibly disappeared.

Both the Yemeni and UAE governments should take immediate steps to end these violations and address the pattern of impunity and barriers to justice and redress associated with them. It is shocking, to say the least, that one year after a network of secret prisons operated by the UAE and the Yemeni forces it backs was exposed, these facilities continue to operate and that there has not been a serious investigation undertaken into credibly documented violations, including systemic torture in custody. International counter-terrorism partners of the UAE, including the USA and other members of the Saudi Arabia-led coalition, have an obligation to ensure that these violations are halted, that they are promptly and impartially investigated, and that victims receive full reparation.

## **TO THE GOVERNMENT OF THE UNITED ARAB EMIRATES**

- End all practices of arbitrary arrests, enforced disappearance, torture and other ill-treatment and other human rights violations and violations of international humanitarian law in Yemen;
- Reveal the fate and whereabouts of all persons who have been subjected to enforced disappearance; give all those who remain in custody immediate access to their families, and to lawyers;
- Release all persons who have been arbitrarily arrested and detained or hand over their files to Yemeni prosecutors to promptly charge them with internationally recognizable criminal offences and try them in proceedings that fully comply with international standards and without the possibility of the death penalty;
- Reveal the locations of the various detention facilities it runs or supervises in Yemen and immediately bring these facilities under the supervision of the Yemeni Prosecutor General;
- Allow independent monitors to access all places of detention it runs and supervises in Yemen and to visit all persons deprived of their liberty;
- Initiate a prompt, effective, and impartial investigation into the allegations of violations of international humanitarian law and other serious violations and abuses of human rights law committed by its troops and the Yemeni forces it backs. Bring those suspected of criminal responsibility to justice in open, accessible civilian courts and in trials which meet international fair trial standards;

- Ensure that all individuals who have suffered violations of international humanitarian law or serious violations and abuses of human rights law are afforded an effective remedy and reparations, including restitution, compensation, rehabilitation, and guarantees of non-repetition;
- Immediately implement the decisions of Yemeni prosecutors and refrain from obstructing their release orders;
- Co-operate fully with the UN-appointed group of international experts to investigate abuses by all parties to the conflict in Yemen and provide it unhindered access to detention facilities it runs and supervises.
- Ratify the International Covenant on Civil and Political Rights, the International Convention for the Protection of all Persons against Enforced Disappearance and the Rome Statute of the International Criminal Court.

#### **TO THE GOVERNMENT OF THE REPUBLIC OF YEMEN**

- Ensure that people in Yemen are protected from enforced disappearance and other serious human right violations carried out by agents of other states;
- Establish an office mandated to collect and centralize information related to detainees and forcibly disappeared persons; the office would be the main point of contact for updating relatives on individual cases and for submitting information to the prosecutorial authorities for investigation.
- Publicly clarify the authority under which the UAE and UAE-backed forces carry out arrests and detention in Yemen, and take effective measures to ensure that these forces fully comply with international human rights law and international humanitarian law;
- Ensure that all security forces are brought under its effective control, and that prosecutors have jurisdiction over all those deprived of their liberty and all detention facilities;
- Conduct prompt, effective and impartial investigations into the alleged involvement of Yemeni officials and units in arbitrary arrests, enforced disappearance, torture and other ill-treatment. Suspend officials suspected of responsibility pending the outcome of investigations; wherever there is sufficient admissible evidence of responsibility for serious violations, prosecute suspects in fair trials;
- Initiate a prompt, effective, and impartial investigation into the conduct of UAE forces in Yemen and allegations of violations of international humanitarian law and other serious violations and abuses of human rights law against them;
- Ensure that law enforcement officials provide a response to the numerous correspondences sent to them by various government entities and families of disappeared detainees inquiring about the whereabouts of these persons unlawfully deprived of their liberty.
- Ensure that all individuals who have suffered violations of international humanitarian law or serious violations and abuses of human rights law are afforded an effective remedy and reparation, including restitution, compensation, rehabilitation, and guarantees of non-repetition;
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court.
- Extend invitations to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and to the Working Group on Enforced or Involuntary Disappearances, and facilitate their visits.

#### **TO THE PROSECUTOR GENERAL OF YEMEN**

- Initiate prompt, impartial and effective investigations into allegations of torture and other ill-treatment, deaths in custody, arbitrary detention and enforced disappearances by Yemeni and UAE forces even if specific complaints were not formally filed;
- Continue efforts to try to bring unofficial detention facilities under judicial oversight;
- Ensure that officials responsible for security forces and directors of detention facilities require their subordinates to maintain records regarding every detainee, including the date, time, and location of arrest, the name of the detainee, the reason for detention, and the specific unit or agency

responsible for the detention. The records should be available to detainees' families, counsel, and other legitimately interested persons. All transfers of detainees should be reflected in the records;

- Investigate allegations of intimidation or threats of reprisal against witnesses or against family members pursuing complaints of enforced disappearance, torture and other human rights violations;
- Continue efforts to ensure that Yemeni security forces, especially those engaged in counter-terrorism operations, are trained in international standards for law enforcement.

#### **TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA**

- Refrain from receiving information likely to have been obtained through use of torture or other ill-treatment and take preventive measures to ensure that intelligence sharing between states does not reward unlawful interrogation practices;
- Actively promote the compliance of counter-terrorism partners, namely the UAE, with international humanitarian law and respect for human rights, in particular the absolute prohibition of torture and other ill-treatment.
- Facilitate independent oversight, including by the US Congress, over US military or intelligence cooperation with Yemeni and UAE forces involved in detention activities in Yemen. Investigate the role of US military or intelligence personnel in detention-related abuses in Yemen and comply with all legal investigation and reporting requirements related to this issue.
- Once accountability mechanisms are in place, ensure that any forces in Yemen with whom the USA is cooperating with receive appropriate training in human rights and international humanitarian law, including in international standards for law enforcement.
- Suspend the supply of weapons, munitions, and related military equipment to the UAE and other parties to the conflict in Yemen, where there is a substantial risk of these arms being used in Yemen.

#### **TO MEMBER STATES OF THE SAUDI ARABIA-LED COALITION OTHER THAN THE UAE**

- Ensure that coalition members engaged in detention activities in Yemen, namely the UAE, fully respect international humanitarian law and international human rights law, including the absolute prohibition of torture and other ill-treatment and of enforced disappearance.



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# 'GOD ONLY KNOWS IF HE'S ALIVE'

## ENFORCED DISAPPEARANCE AND DETENTION VIOLATIONS IN SOUTHERN YEMEN

UAE-backed Yemeni forces as well as the UAE military have engaged in arbitrary arrests and detention, enforced disappearance, torture and other ill-treatment in a widespread manner in southern Yemen. Families are left trying to navigate a confusing structure of security forces and an opaque network of informal and formal detention facilities. Some detainees have been unaccounted for, for up to two years, with concerns mounting over their fate given credible allegations of torture and deaths in custody.

Based on 75 interviews, Amnesty International investigated the cases of 51 individuals deprived of their liberty by UAE-backed Yemeni security forces and UAE troops between March 2016 and May 2018 in the governorates of Aden, Lahj, Abyan, Shabwa, and Hadramawt. The vast majority of the cases involved enforced disappearance, with the fate of 19 of these men unknown to the families.

The UAE, a key member of the Saudi Arabia-led coalition involved since March 2015 in the armed conflict in Yemen at the invitation of the Yemeni government, must stop denying its role in arrests and detention, bring the detention facilities it runs under the oversight of Yemeni prosecution officials, account for the detainees in the custody of forces under its control, and investigate allegations of violations, including torture. The Yemeni government, too, must investigate violations of international law, rein in the Yemeni security forces it is accusing of insubordination and UAE forces, and ensure reparation for victims.