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Report of the High Commissioner on OHCHR's visit to Yemen

Summary

A delegation from the Office of the High Commissioner for Human Rights (OHCHR) visited Yemen from 28 June to 6 July 2011 to assess the human rights situation in the country. As a result of nine days of extensive meetings and consultations with representatives from the Government and civil society in the cities of Aden, Sana'a and Ta'izz, the Mission observed an overall situation where many Yemenis peacefully calling for greater freedoms, an end to corruption and respect for rule of law were met with excessive and disproportionate use of lethal force by the state. Hundreds have been killed and thousands have suffered injuries including loss of limbs.

On 18 March 53 persons were reportedly killed in Change Square in Sana'a, an incident which led to the resignation of a number of Ministers, Ambassadors, members of parliament, of the Shura council (the Upper House) and of the ruling party, and the defection of General Ali Mohsen Al-Ahmar who vowed to send his troops to protect the peaceful demonstrators in the square. In another major incident on 29 May in the city of Ta'izz, after a riot and a brief kidnapping of security officials, "Freedom Square" was forcefully cleared by Government security officials, burning tents and killing dozens of demonstrators. Tribes claiming to protect protesters sent armed supporters to the square and occupied certain public buildings.

By the time the Mission had arrived in Yemen the picture that was emerging in the major cities was of a number of separate, but at times intertwined, struggles taking place. One comprises peaceful demonstrators calling for change in a similar fashion to their counterparts in other parts of the region. Another is an increasingly violent struggle for power between President Saleh and his supporters on the one hand and armed opponents, including alleged elements of Al-Qaeda, on the other. Yet another comprises political opponents, including recent defectors, who are publicly renouncing the resort to violence

and seeking a resolution that would bring about regime change.

The Mission noted that the Yemeni Government had lost effective control of parts of the country and within the major cities, where armed opponents appeared to have de-facto control. The Mission also observed that among those seeking to achieve or retain power some have deliberately sought to collectively punish and cause severe hardship to the civilian population by cutting off vital access to basic services such as electricity, fuel and water. The Mission notes the danger that the protests might become increasingly radicalized and more violent in response to the excessive use of lethal force by the government, and the growing involvement of, and intimidation by, armed elements within the demonstrations. In essence violence has led to more violence and it is a tribute to the street protesters that they have sought to maintain their peaceful character despite the heavy price in loss of life and in severe injuries that has been paid thus far. On the other hand, the Mission is alarmed by the deteriorating humanitarian situation, which is negatively affecting most Yemenis, but in particular the poorest and most vulnerable, such as children, IDPs and refugees. Isolated acts of sabotage cannot account for all the suffering witnessed by or reported to the Mission throughout the country and the availability of electricity, fuel, cooking gas, water and other basic services should not be misused to punish the entire population. The Mission is of the view that calls for investigations and prosecutions will be undermined unless urgent measures are undertaken to ensure the independence and integrity of the judiciary and to provide them with sufficient resources. Additionally, given the lack of confidence by many Yemenis in the judiciary to conduct impartial investigations into human rights abuses there is a need for international, independent and impartial investigations to take place.

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¹ Also called « Al Akhdam » which literally translates as “the servants”, and is figuratively suggestive of “people held in contempt and servitude in Yemen”. The Mohamasheen are a group of Yemeni citizens subjected to social, economic and political discrimination.

I. Introduction

1. In the context of persistent, widespread unrest in the Republic of Yemen, the High Commissioner proposed on 8 April 2011 to deploy an OHCHR mission to assess the human rights situation in Yemen. The Government of the Republic of Yemen accepted the High Commissioner (HC)'s proposal on 12 May².

2. The mandate of the Assessment Mission (hereafter "the Mission"), as agreed by the Government, was to:

- Undertake a preliminary assessment of the human rights situation, in light of recent events, with the view to making appropriate recommendations to stakeholders, including the international community and responsible parties in Yemen;
- Engage with a broad range of actors and obtain a firsthand understanding of the current human rights situation, including structural causes and patterns of violations, and;
- Provide the Government with a set of recommendations on current and long term priorities and specific steps to enhance human rights protection in the Republic of Yemen.
- In light of the deteriorating Human Rights situation in the Republic of Yemen, the Human Rights Council adopted procedural decision 17/117 of 17 June 2011, in which it welcomed the invitation extended by the Government of Yemen to OHCHR to undertake an assessment mission and invited the HC to report to the Council and to engage in an interactive dialogue at its 18th session.

II. Modalities of work

3. The Assessment Mission took place from 28 June to 6 July, in close coordination with the United Nations Resident Coordinator in Yemen, whose support throughout the mission was highly appreciated. The Government of Yemen facilitated the Mission. The Mission met with many key officials, including the Vice-President, who acted as Head of State ad interim in the absence of the President; the Special Adviser to the President of the Republic; the Minister of Foreign Affairs; the Minister of the Interior; the Minister of Justice; the Minister of Legal Affairs, who is concurrently acting Minister of Human Rights; the Minister of Tourism; the Deputy Minister of Health; the Minister in charge of internally displaced persons (IDPs); the Chair of the Supreme Judiciary Council and the Supreme Court; the Attorney General; and other officials. The Mission also met with leaders of political parties and members of Parliament; representatives of non-governmental organizations (NGOs); journalists; lawyers; doctors; human rights defenders; victims or relatives of victims; and the United Nations Country Team. Throughout the visit the Mission appreciated the support of the Government and the assistance it received from civil society organizations.

2 Prior to accepting the OHCHR mission, the Government of Yemen had invited OHCHR to join a national commission to investigate allegations of human rights violations in the context of ongoing unrest. OHCHR informed the Permanent Representative of Yemen that the independent character of its mandate restricts the ability of the Office to engage in this particular form of direct collaboration with national inquiry. Nonetheless, OHCHR expressed its willingness to consider other forms of support and cooperation.

4. The Mission understood “recent events” and “the current human rights situation,” in the context of its mandate, to comprise events that took place between 1 January and 6 July 2011. This report therefore refers to developments after 6 July only inasmuch as they concern the humanitarian situation and provide updated information.

5. The Mission visited and held meetings in Sana’a, Ta’izz and Aden. Site visits included locations of demonstrations and places where violence had occurred, as well as hospitals and places of detention. In addition, the Mission reviewed a large number of human rights documentation, including over 6,000 pages of documents, 160 compact discs, 6,000 photographs, and 1,800 videos.

6. This documentation has been archived for appropriate future use.

III. Background

A. Political context and recent developments on the ground

7. Yemen is the Arabian Peninsula’s poorest and most populous country. Unemployment is high, and corruption has been widely perceived as being endemic. When the Yemen Arab Republic and the People’s Democratic Republic of Yemen (PDRY) united in 1990, President Ali Abdallah Saleh and his allies in the south embarked on a transition towards democracy and multipartyism, including holding parliamentary, presidential and local elections and creating a somewhat freer environment for civil society and the media. A 1994 secession attempt by some Southerners was defeated following a short conflict. Continuing protests by the “Peaceful Southern Movement,” otherwise known popularly as Al-Harak³ have at times turned deadly reportedly claiming the lives of over 100 persons since 2007. In the northernmost governorates an armed Zaydi-Shi’a movement, the “Huthis”, have engaged in successive armed conflicts with the Government, causing thousands of deaths between 2004 and 2010. Violent Islamist groups have launched attacks since 1992, which have negatively impacted on tourism and investment. In this context, the Government’s efforts to counter terrorism have resulted in restrictions on human rights and freedoms⁴.

8. In 2009 the Government and a six-party opposition coalition, the “Joint Meeting of Parties” (JMP), agreed, through a national dialogue, on a set of electoral and constitutional reforms. However, this dialogue collapsed in late 2010. On 31 December the Council of Representatives discussed a series of constitutional amendments which included the reduction of the Presidential term from seven to five years and the removal of the two-term presidential limit while introducing an electoral quota for women.

9. The ensuing protests, which have been generally peaceful, were further fuelled by unrest in other countries of the region, and were invigorated by the arrest of a female activist on 22 January. Permanent “sit-ins” appeared in several cities by February, with an increasing number of Yemenis taking to the streets either to call for governmental reforms or in support of the Government. On 2 February President Saleh announced that he would neither seek re-election nor have his son succeed him. However following this announcement, demonstrators calling for governmental reforms repeatedly were met with violence, resulting in a significant number of deaths and injuries. The “Al-Harak, the JMP and the “Huthis” united in support of the demands of what became known as *“the popular revolution of the youth”*. Subsequently, President Saleh alternated between offering further

³ Al-Harak al-Salmi al-Janoubi, is a term given to a large coalition of groups initially calling for federalism and many now preferring secession from the North

⁴ CAT/C/SR.952 and CCPR/CO/84/YEM

concessions, including sweeping constitutional reforms, and resorting to threatening rhetoric.

10. On 18 March, clashes in the proximity of Sana'a's "Change Square" reportedly led to the killing of 53 persons with hundreds injured. Various sources confirmed to the Mission that they had seen gunmen on top of the surrounding buildings who shot at protesters. Subsequently, a number of officials resigned, including Ms. Huda Al Ban, Minister of Human Rights. President Saleh subsequently dismissed the Cabinet and declared a state of emergency. He also ordered the provision of free medical treatment for all victims, including the evacuations of some abroad, and an investigation into the events of that day. Nevertheless, the ousting of President Saleh and his relatives in the security organs became the rallying cry for anti-government protesters. A senior military commander defected and announced that his troops would protect the permanent "sit-in" at "Change Square" in Sana'a.

11. On 8 April 2011, a Gulf Cooperation Council's (GCC) initiative proposed the creation of a "Cabinet of National Accord", according to which the President would transfer his powers to the Vice-President; and elections and the drafting and adoption of a new Constitution would follow. In exchange, the President and those who had served under him would be granted immunity from prosecution. While many protesters objected to the offer of immunity, the JMP reluctantly signed on 21 May followed by senior members of the ruling party. However, President Saleh repeatedly refused to personally sign the GCC initiative and, following his third refusal on 22 May, fighting erupted inside Sana'a between the Government and the prominent Al-Ahmar family supported by their tribal followers. Residences and public buildings were heavily damaged in exchanges of fire involving artillery forcing thousands of inhabitants to flee. Violence soon spread beyond Sana'a while the "Huthis" extended their control of northern areas. Armed Islamist groups seized several towns in the southern governorate of Abyan. After a riot and a brief kidnapping of security officials, "Freedom Square" in Ta'izz was forcefully cleared by Government security officials on 29 May, burning tents and killing dozens of demonstrators. Tribes claiming to protect protesters still controlled part of Ta'izz, including certain public buildings, when the Mission visited. The Mission witnessed the deployment of tanks in the city and shelling at night.

12. Violence further escalated on 3 June, when an explosion during prayer inside the mosque of the presidential palace killed eleven and injured President Saleh and some other senior officials. The injured were evacuated to Saudi Arabia for medical treatment, where several remain as of the finalization of this report⁵. A Committee established by the Government of Yemen is currently investigating the circumstances of the abovementioned criminal attack.

13. Prior to the 3 June attack President Saleh had reportedly finally agreed to sign the GCC-led initiative. However, since his departure to Saudi Arabia for medical treatment the Vice-President has been exercising presidential powers ad interim and the GCC-led initiative has remained stalled despite efforts by members of the international community and the UN to restart it.

14. By the time the Mission visited Yemen the humanitarian situation was deteriorating, the sabotage of a power line and an oil pipeline and fuel was causing severe hardship compounded by water and cooking gas shortages. Many Yemenis had lost their jobs and income, while prices for essential goods were soaring.

⁵ Mr. Abdulaziz Abdulghani, speaker of Yemen's Upper House of Parliament, died on 22 August 2011 in Saudi Arabia from injuries suffered during the attack of President Saleh.

15. Yemeni authorities appeared to have lost effective control of parts of the country and within the major cities, including the capital. Armed opponents appeared to be in de-facto control of entire districts⁶.

16. There was widespread fear that despite efforts by the Vice-President and others to restore calm and build bridges with all sides, a civil war was looming.

B. Military and security forces involved in the attacks

17. The Government resorted to using all the armed units at its disposal, from the army to intelligence and law enforcement agencies, in responding to the demonstrations or in dealing with armed efforts to bring about regime change. The Yemeni air force was involved in clashes with armed groups around Sana'a and Abyan. In addition, the Yemeni navy reportedly supported ground troops fighting in Abyan, by shelling from the sea. The elite "Republican Guard" is present throughout Yemen, but is concentrated near the main towns. It has reportedly been engaged in crowd control along with other army units. Military police provide security for certain public buildings and have thus been involved in confrontations with protesters in some instances.

18. The two official intelligence agencies, the "Political Security" and the "National Security"⁷ report directly to the President and operate with minimal parliamentary or judicial oversight. The "Political Security" is mandated to identify and combat political crimes and acts of sabotage and has detention facilities throughout Yemen. The "National Security" was established by Presidential decree in 2002 to focus on counter-terrorism. Over the years many journalists, activists and human rights defenders have reportedly been detained and tortured at detention facilities of the National Security.

19. The Ministry of Interior operates several security units. Its public security forces have been involved in crowd control using water cannons, batons, plastic shields, and tear gas launchers⁸. The Criminal Investigation Department is involved in investigations and manages pre-trial detention facilities throughout Yemen. The Central Security Force is a paramilitary unit that was established before unity in 1980, and has its own counter-terrorism strike force and crowd control units. It is present in towns and the countryside, where it often constitutes the only law enforcement agency.

20. An official, tribe-based reserve force under the Ministry of Interior also exists and its officers, usually tribal leaders, collect salaries. This reserve force is said to have been mobilized to fight the "Huthis" in the past and to have participated in recent demonstrations in support of President Saleh.

21. In addition to the above-mentioned bodies, the Mission was informed that plain clothes individuals, named as *baltaji/baltajiyah*⁹, engaged in activities alongside security forces to attack protesters with batons or firearms. When such individuals were seized by protesters, some allegedly carried documents linking them with security organs.

⁶ For example, Mission delegates meeting with key opponents in Sana'a and Ta'izz were given a military escort to within a few blocks of the meeting places, but then handed over to armed elements to escort them to the meeting place. The delegates were also repeatedly warned that the state could not offer them protection if they visited those areas but did not prevent them from going there.

⁷ Al-amn al-siyassi and al-amn al-qawmi

⁸ Mission delegates were informed about and saw evidence of the use of outdated teargas canisters which may have caused rashes, serious burns and suffocation. Delegates were also told that water cannons were often connected to sewage water systems when deployed.

⁹ Vigilante would be the nearest translation though the implication of the term is that many of these persons act for money

22. Tensions exist in Yemen not only between the Government and the country's many tribes, but also among the various tribes. In light of the widespread availability of weapons, tensions among tribes and/or with the Government often result in armed confrontations. The main non-State armed groups that participate in such confrontations reportedly include the "Huthis", and Islamic groups, such as "Al-Qaeda in the Arabian Peninsula" and "Ansar Al-Shari'a." It has been alleged that these latter groups have access to, and possibly receive support from, senior civilian and military officials. In addition, several tribes have joined local conflicts in recent months. The Mission was informed that certain local tribes sided with the Yemeni army to combat Islamist groups, while other tribes fought against the "Huthis."

C. International legal framework

23. Yemen is party to eight of the nine core international human rights treaties¹⁰. In reviewing Yemen's implementation of its treaty obligations, the relevant human rights treaty bodies have noted that violations of civil, political, economic, social and cultural rights persist at a considerable scale. Treaty-bodies have also expressed deep concern regarding limited progress in implementing their observations and recommendations, as well as a lack of cooperation with the relevant treaty-bodies¹¹.

24. A state of emergency was proclaimed by President Saleh on 18 March and a law was passed by the Council of Representatives on 23 March approving the state of emergency for a period of one month. The Mission was told repeatedly that its provisions were not implemented.

IV. The current Human Rights situation

25. Since the beginning of the current unrest, a wide range of human rights violations and abuses have allegedly taken place throughout the country. Many of these allegations concern excessive use of force against largely peaceful protesters by Government security forces and their affiliates. Yet others concern clashes involving different combinations of pro- and anti-government protesters, armed tribesmen, armed Islamists and/or Government security forces, some of which were defectors. At the time of writing, the Mission was unable to present accurate numbers of killings and injuries considering that the multiple lists it received do not consistently distinguish between these categories, in addition to victims of armed clashes and security personnel. This section contains the Mission's preliminary assessment of the human rights situation in light of recent events and against the backdrop of Yemen's international legal obligations. It points to some concrete examples to illustrate its findings, but does by no means provide an exhaustive list.

A. Extrajudicial Killing and excessive use of force

26. Accounts and reports received by the Mission consistently alleged that Government security forces resorted to excessive use of force in response to peaceful demonstrators. The use of live ammunition, a variety of tear gases, batons, electronic stun guns and polluted

¹⁰ The Republic of Yemen is not party to the International Convention for the Protection of All Persons from Enforced Disappearances.

¹¹ The Committees often refer to "widespread violations" and "continuing violations". Furthermore, CESCR has noted that Yemen's "report was not complete in its coverage of all the rights laid down in the Covenant and that the State's replies to the list of issues did not provide a systematic response." CAT noted "with concern that the conclusions and recommendations it addressed to Yemen in 2003 have not been sufficiently taken into consideration."

water spraying has been documented. Gunmen in uniform or plain clothes were placed on buildings or at street levels allegedly to target protesters marching to or protesting outside public buildings with live ammunition. The police reportedly stood by on many occasions while unarmed protesters were attacked or shot at by armed men in plain clothes.

27. It appears that once peaceful demonstrators began to march from their sit-ins to protest outside public buildings, tensions rose sharply. Security forces feared the buildings might be attacked and ransacked, and it was often in those situations that demonstrators were fired upon and in some cases individuals apparently targeted and shot.

28. Based on accounts and casualty figures made available to the Mission, in February a pattern of use of live ammunition appeared in Aden, which is consistent with security forces responses directed against demonstrations organized by Al-Harak in past years. Subsequently Sana'a and Ta'izz, Ibb, Al Hudaydah, Al Mukalla, Dhamar, Al Bayda and other localities experienced similar violence, at different levels. The Mission did not receive information regarding systematic investigations into the excessive use of force by security forces.

29. The Mission received accounts regarding cases of extra-judicial or summary executions that occurred in the course of demonstrations: Dr. Gyab Ali Al-Saadi, the son of a leading member of the "Southern movement" was reportedly targeted and shot in the chest in Aden on 24 June while attempting to persuade soldiers, backed by tanks, not to fire on participants in the funeral of Mr. Ahmed al-Darwish. Also, according to allegations, the vehicle of General Ali Mohsen Al Ahmar was shot at by unidentified men in military uniforms after he defected with his unit, the first armoured division, but he was not harmed. In addition, teacher and student demonstrations, calling respectively for increased salaries and the postponement of exams, apparently turned violent in Ta'izz, when "Central Security Forces" attacked the protestors, reportedly killing a student. The Mission was further informed by several sources about mass graves of victims of extra-judicial executions allegedly committed by Government affiliates in the context of the repression in Sana'a and Ta'izz, however, the Mission did not receive any evidence to substantiate these allegations.

30. The Mission was briefed extensively on the events of 18 March in Sana'a and 29 May in Ta'izz. The details of events on these days are highly-contested, in particular with respect to the perpetrators and the number of victims. Some interlocutors and documents asserted that more than 50 people were killed on each of these days. It was brought to the attention of the Mission that many victims and/or their families refuse to cooperate with investigations launched by Government institutions, since they no longer consider such institutions impartial or even legitimate. The Mission is aware that 78 persons are on trial in relation to the 18 March events in Sana'a, and that investigation in the 29 May events in Ta'izz is ongoing. The Government did not provide information on how many of the 78 persons charged for the 18 March events belong to security organs.

31. On the other hand, statements made to the Mission by the Government stress that security forces had orders from President Saleh to exert restraint and use firearms only as a last resort. According to the Government, security forces used water cannons and tear gas in order to disperse allegedly unlawful and violent crowds, with many security forces and civilians ending up killed and injured. Protesters have therefore been charged with assault, pelting with rocks and using live fire against security forces, other civilians, and pro-Government supporters. The Government also alleges that protesters, mostly connected to the JMP, destroyed, vandalized, looted and broke into public and private property.

32. The Ministry of Health set up a commission which, after observing a small number of patients in hospitals and examination of used gas canisters concluded that the gases employed by Government security forces were innocuous.

B. Arbitrary arrests and detention

33. Multiple sources, including victims' relatives reported hundreds of cases of unlawful detention and disappearance. Many indicated that applicable procedures regarding the need for State prosecutors to be notified of arrests had been disregarded. Many reported that detainees were transferred from one place of detention to another and that judges' decisions to release individuals or transfer them to another town for trial were often not implemented. The Mission received lists of names of persons allegedly arbitrarily arrested and detained but is unable to determine the exact number. During a visit to detention cells operated by "Political Security" in Sana'a, the Mission encountered Yemeni and foreign detainees who, after months or even years of detention, had neither been charged nor brought before a judge.

34. The Mission asked several officials about the cases of Mr. Hassan Baoom, a prominent figure in the "Southern movement" who was reportedly kidnapped from the Naqeeb hospital on 20 February, and his son Ahmed, who was detained while searching for his father. The Mission received assurances that both were alive and that Mr. Hassan Baoom, who is sick, is receiving adequate medical care. The Mission noted with concern that neither the family nor a lawyer had been able to see either individual for months, and that there was no information on their exact location or the charges against them.

35. It emerged in the Mission's meetings that cases of arbitrary detention carried out by the Criminal Investigation Department and Political Security have been brought to the attention of the State Prosecution. However, no information was available regarding any investigations, prosecutions or disciplinary actions against alleged perpetrators. The Chief Prosecutor in Tai'zz mentioned that he regularly visits the Central Prison in order to ascertain that detainees are not held arbitrarily. The Mission was told that similar visits occur in Aden. The Mission was unable to confirm whether Prosecutors are granted access to all places of detention.

36. The Mission also heard at firsthand about the existence of private detention facilities under the control of some of the armed opponents, but could not ascertain the number of detainees held.

C. Torture and other forms of ill-treatment

37. The Mission received allegations about the use of torture and cruel, inhuman or degrading treatment against civilians, committed by several Government security bodies. In one instance, the Mission received reports of the torture of three persons in Aden during the events. Two of these individuals reportedly died, while the third stated that he had been beaten with rifles, electrocuted, had cigarettes extinguished on his body, and suffered attempts to hang him from the ceiling. The Mission did not receive information about investigations or prosecutions of the perpetrators of these violations.

38. Acts of torture appear to have been committed also by opposition supporters. Notably, the Mission met with a young poet who was tortured by anti-government supporters in May 2011. He was released after having his tongue cut out for having praised the President. Similarly, some clerics who spoke in favour of the President allegedly faced harassment, threats, assault and/or damage to their property.

D. Right to an effective remedy and accountability

39. In many cases, victims, their family members, and lawyers who met with the Mission, indicated that they did not trust the country's judicial institutions, to the extent that they refrained from filing complaints or cooperating with investigators. The Chief Prosecutor in Ta'izz confirmed to the Mission that such behaviour indeed had a negative

impact on his efforts to investigate the events of 29 May at “Freedom Square.” The Mission received multiple complaints about the lack of independence and professionalism of the Yemeni judiciary. Furthermore, Government security officials were reported to often fail to comply with prosecutorial and/or judicial decisions. The Mission noted that the Attorney General, who had initiated investigations into the events of 18 March in Sana’a and personally visited “Change Square” to ask for cooperation, was subsequently removed and appointed to an advisory position in the judiciary.

40. A list of disciplinary actions taken against “Central Security Forces” personnel from 2004 to 2011 was submitted to the Mission by the Forces’ leadership. It includes the cases of seven officers who committed minor offenses in 2011, none of which were related to arbitrary detention, torture or excessive use of force. The Ministry of Interior reported that four security personnel from Aden were to appear before the disciplinary council in Sana’a for violating rules and procedures on 1 March 2011 without providing details on the outcome. Seven officers and six individuals have been reportedly investigated for violating rules and two officers have served their sentences since January 2011. In addition over 150 security personnel were facing charges before military courts, but the Mission was not informed of their nature.

41. Neither “National Security” nor “Political Security” submitted information on internal disciplinary procedures or personnel under prosecution or trial. Copies of complaints filed with the General Prosecution and the Criminal Investigation Department were submitted to the Mission, but no information was provided on any internal or criminal investigations or prosecutions. Except for the victims of 18 March in Sana’a whose families are to be compensated by order of President Saleh, the Mission has not been informed of any concrete measures to provide remedies for other victims of serious human rights violations committed during the recent period of unrest.

E. Freedom of expression and opinion

42. According to reliable sources, journalists have been particularly affected since the beginning of the current events. Reportedly, at least one journalist was killed in Sana’a on 18 March, 68 others were injured, 27 arrested, 31 received specific threats, 15 had their professional equipment confiscated. Furthermore, 52 incidents of publications being seized or websites hacked or suspended have been reported¹². A large number of journalists employed by State-run media had their contracts allegedly terminated following their participation in anti-Government protests. While on 24 May the headquarters of the Yemeni National News Agency Saba were damaged during clashes in Sana’a, the next day Suhail TV headquarters, owned by an opponent, was attacked. Further, several services of the Sabafone telecommunication network, owned by the same person, were disconnected by the Ministry of Communication.

43. The Mission also learned about attacks and expulsions of foreign journalists. Specific information relayed to the Mission concerned the arrest or beating of personnel representing at least five international media outlets. In addition, on 24 March 2011, Al Jazeera’s offices in the country were closed and the licenses of their reporters withdrawn by judicial orders from the public prosecution.

44. In general, the Mission observed a diminishing space for freedom of expression with several prominent human rights defenders and witnesses of violations choosing to stay outside the country, or flee to distant villages. The prevalence of threats against public media, harassment campaigns, and the raiding and looting of homes of activists signal both

¹² This account is not exhaustive.

increasing intolerance and greater physical risks for those who express political views or defend human rights.

45. Several interlocutors testified that students had been sanctioned, threatened or expelled for expressing anti-Government views and teachers were allegedly called on by colleagues or protesters to boycott work. The Mission also received information about demonstrations at Ta'izz University, and an alleged assault on the President of the University by a senior officer of the "Republican Guard". In that case the victim has denied the incident, though several sources indicate this may be under pressure.

F. Freedom of movement

46. Freedom of movement has been significantly restricted during recent unrest. Roads have been closed by demonstrators and Government security forces, making it difficult for citizens to move around or to access certain areas. Frequent demonstrations, and the clashes accompanying many of them, have made it unsafe for many people to carry out their daily business, and for youth, especially girls, to attend school.

47. In addition, supply of fuel for vehicles has been limited, and travellers have reportedly been stopped at security forces checkpoints, and sometimes prevented from leaving or entering cities.

G. Right to an adequate standard of living

48. Many interlocutors pointed to deteriorating living conditions - in a country where more than one third of the population lived under the poverty line before the unrest¹³, but also to rising unemployment and inflation, notwithstanding continuous Gross Domestic Product growth¹⁴. The Mission witnessed long queues at petrol stations and reduced traffic caused by the fuel shortage. Transportation difficulties have severely affected the economy and resulted in a shortage of cooking gas and many other basic supplies and commodities. As very little fuel is sold at petrol stations, prices on the black market have risen by 567 per cent, and the average price of basic food commodities has increased by 43 per cent¹⁵. Power outages that can not be exclusively attributed to sabotage have added to the suffering of the population¹⁶. Businesses have been forced to close or lay off thousands of workers. The Mission was informed that, in Ta'izz, waste collection vehicles were stolen, resulting in unhygienic conditions throughout the city.

49. In the countryside of Ta'izz armed persons allegedly looted farm equipments, and farmers are suffering from the shortage of fuel, which impedes them from pumping water or transporting produce to markets.

50. Several interlocutors considered that disruptions of telecommunications, power, fuel supply and movement have been devised by the Government as a form of collective punishment, with the objective of blaming the opposition for ruining the country and

¹³ Poverty Assessment, UNDP 2007

¹⁴ See World Bank:
<http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries/1W?display=default>, accessed 12 August 2011

¹⁵ See Yemen Humanitarian Emergency - Situation Report No. 5, Office for the Coordination of Humanitarian Affairs, available at:
http://reliefweb.int/sites/reliefweb.int/files/resources/Full_report_182.pdf, accessed on 8 August 2011.

¹⁶ The Mission was repeatedly told that its visits had coincided with a significant improvement of power service and that this ended as soon as it left.

harming the population. Conversely, Government officials blamed the opposition for having sabotaged an oil pipeline and a power line to discredit the Government.

H. Right to health

51. The Mission was informed at the Ministry of Health and by the World Health Organization that every effort was being made to ensure that access to healthcare for all was protected and that the distribution of medicines, even in areas outside of Government control, was preserved. Yet, electricity outages have debilitated the health sector, as many medical facilities either do not have generators or enough fuel to operate them. Interlocutors stressed that life support machines that require reliable sources of energy could no longer operate. Some medical interlocutors attributed the death of at least 21 patients to such outages. The fuel and power crises have also obstructed the delivery of vaccines and, with movement restricted, medical staff has been hindered from accessing rural areas. Some expressed the view that, if the situation continued, many children would be denied early-age immunizations.

52. In a number of documented instances Government security forces prevented wounded demonstrators from accessing hospitals or turned away doctors or ambulances. In Sana'a the Mission met with four female doctors who recounted that, while they were in an ambulance on their way to a hospital, "Central Security Forces" stopped the car and detained them for several hours. A doctor testified that an ambulance in which he was treating patients wounded in a demonstration was shot at, while an ambulance driver testified that, while on his way to a hospital, security personnel shot at his ambulance, resulting in the killing of two men, and then abducted him and seized the ambulance. The latter two incidents occurred in Sana'a.

53. The Mission was briefed about events of 29 May in Ta'izz, during which the field hospital at "Freedom Square," located in a mosque, and the Safwa hospital - both of which were visited by the Mission - were reportedly raided and vandalized. In both cases vital equipment was destroyed or looted and patients on life support were summarily expelled without adequate precautions, putting them at great risk.

I. Right to education

54. Many schools in Yemen's main cities have been forced to close for prolonged periods of time, either because teachers or students went on strike or because students damaged schools and attempted to force other students to join the protests. In particular, the Ministry of Education buildings in Abyan, Ta'izz and Aden were attacked, with staff being harassed and threatened. In Aden, schools have become temporary shelters for displaced persons from Abyan, thus making it difficult to conduct classes.

J. Other issues and groups of particular concern

(a) Women

55. Women have actively participated in pro- as well as anti-government demonstrations, including as leaders. According to the information received, women activists and journalists were harassed, threatened, and arrested. Reportedly, some women were subjected to verbal harassment and beating at public places/sit-ins for their participation in either pro or anti-government protests. Male relatives of women activists received phone calls asking them to "control" their daughters or sisters. The Mission noted that, in his 14 April statement, President Saleh spoke out against the mixing of unrelated

men and women among protesters¹⁷. His statement was followed by large demonstrations by women, in Sana'a and elsewhere, who protested against what they perceived as the President's intention to curtail their rights to peaceful assembly and to participate in public affairs. The Mission visited the site of one such demonstration, and observed that women were present, even though most preferred to stay in an area reserved for women and children. Refugee women have also faced an increased risk of Gender Based Violence (GBV) due to the lack of public order.

(b) Children

56. The Mission received multiple reports of violations of child rights. Children have reportedly been subjected to the same extreme violence as many adults, including killings¹⁸, injury, suffocation from gas, torture, arbitrary detention, and/or recruitment by security forces. Furthermore children have been forced out of schools, used in demonstrations, or killed, wounded and displaced by the fighting.

57. At least 63 children were reported killed at the time of the visit, and many more wounded. Children died from bullets but also from mortar and artillery attacks on their houses or vehicles they were travelling in. The most commonly reported violations involving children were incidents of suffocation due to exposure to gases used by security forces. The Mission received video materials documenting such incidents. In addition, the Mission repeatedly received allegations of the use of torture against children. Photos were provided to the Mission of a 15-year-old boy who bore traces of torture. A boy was reportedly raped by Government security forces in Aden in April, after his mother accused security forces of killing a civilian.

58. Many interlocutors stated that children have been directly involved in the violence, having been seen in uniform patrolling the streets, serving at Government checkpoints or involved in searching protesters. The Mission met a teenager in a hospital who was being treated for wounds received while serving with Government forces.

59. The Mission also met children orphaned with one or both of their parents having died as a result of violence. Some of them have often witnessed firsthand scenes of extreme violence.

60. More generally, children suffered the consequences of water, fuel and cooking gas shortages, and lack of collection of waste.

(c) El "Mohamasheen" community

61. According to information received by the Mission, members of the Mohamasheen community in Ta'izz were threatened with destruction of their homes and businesses if they did not participate in demonstrations. Two boys from this community, a 17 year old and a 14 year old, were reportedly attacked and severely beaten, allegedly because their families supported the Government. Two men and another boy from the community were allegedly abducted and beaten with electric cables. One member of the community informed the Mission that the authorities had, during past elections, mobilized the community in support of the Government. This person asserted that the community had therefore become a target of the current demonstrators.

¹⁷ "I call upon them to prevent the mixing of the sexes in University street because divine law does not allow it. The mixing of the sexes is religiously forbidden."

¹⁸ The Mission was informed that some 26 children have lost their lives following their alleged participation in anti-government protests.

(d) Internally displaced persons

62. According to estimates, there are about 400,000 IDPs in Yemen, more than half due to the pre-existing conflict with the “Huthis” in the North. The Mission received information indicating that, on a daily basis, hundreds of IDPs arrived in Aden¹⁹ since May 2011. Approximately 9500 persons have been displaced in Arhab, and some now reside in caves. Fighting inside Sana’a, which lasted for about three weeks, was reported to have displaced around 9000 persons. The Mission heard reports of alleged attacks by army, air force and naval units against travelling IDPs in Abyan, and met with survivors, including women and children, of such attacks at the Naqeeb hospital in Aden.

(e) Refugees

63. Despite its poverty Yemen has never wavered from a generous policy of hosting refugees from Somalia to whom it continues to grant prima facie refugee status. On 15 July, reports indicated that more than 4,000 refugees from the Horn of Africa, some of whom have been hosted by Yemen for around two decades, were displaced following confrontations in Sana’a, Ta’izz, Abyan and Lahj. These refugees had already suffered from the economic hardship, with many no longer able to support themselves and requesting to be brought to a UNHCR operated camp. In July refugees seeking resettlement besieged UNHCR offices in Sana’a²⁰.

V. Conclusions and Recommendations

64. The Mission observed an overall situation where many Yemenis peacefully calling for greater freedoms, an end to corruption and respect for rule of law were met with excessive and disproportionate use of lethal force by the state. Hundreds have been killed and thousands have suffered injuries including loss of limbs.

65. In March 53 persons were reportedly killed in Change Square in Sana’a, an incident which led to the resignation of a number of Ministers and officials and the defection of General Ali Mohsen Al-Ahmar who pledged to send his troops to protect the peaceful demonstrators in the square. In another major incident in May in the city of Ta’izz, after a riot and a brief kidnapping of security officials, “Freedom Square” was forcefully cleared by Government security officials, burning tents and killing dozens of demonstrators. Tribes claiming to protect protesters sent armed supporters to the square and occupied certain public buildings.

66. The picture that has emerged in the major cities is of a number of separate, but at times intertwined, struggles taking place. One comprises peaceful demonstrators calling for change in a similar fashion to their counterparts in other parts of the region. Another is an increasingly violent struggle for power between President Saleh and his supporters on the one hand and armed opponents, including some allegedly connected with Al Qaeda, on the other. Yet another comprises political opponents, including recent defectors, who are publicly renouncing the resort to violence and seeking a resolution that would bring about regime change.

67. Both the Government and some of its armed opponents have sought to present themselves as protectors of the civilian population and to blame the other for the

¹⁹ Yemen Humanitarian Emergency - Situation Report No. 6, Office for the Coordination of Humanitarian Affairs, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport_77.pdf, accessed on 8 August 2011.

²⁰ Yemen Humanitarian Emergency - Situation Report No. 4, Office for the Coordination of Humanitarian Affairs, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport_1728.pdf, accessed on 8 August 2011.

suffering and hardship that has been brought upon them. All sides may be guilty of using and abusing peaceful protesters and the civilian population in this increasingly violent power struggle.

68. The Mission noted that the Yemeni Government had lost effective control of parts of the country and within the major cities, where armed opponents appeared to have de-facto control. The mission also observed that those seeking to achieve or retain power have deliberately sought to punish and cause severe hardship to the civilian population by cutting off vital access to basic services such as electricity, fuel and water. The Mission notes the danger that the protests might become violent in response to the excessive use of lethal force by the government, and the growing involvement of, and intimidation by, armed elements within the demonstrations. Street protesters have sought to maintain their peaceful character despite the heavy price in loss of life and in severe injuries that has been paid thus far.

69. Because of time and security considerations the Mission was not able to visit areas outside the three main cities of Ta'izz, Sana'a and Aden and so was not able to assess the level of violence taking place in areas such as Abyan, Arhab or Sa'da. While recognizing the Government's duty to secure law and order, this has to be carried out within the confines of international law. There can be no justification for the hasty resort to excessive use of lethal force and heavy weaponry, including the deployment of tanks in cities, to quell street demonstrations or to clear out protest sit ins.

70. The Mission is alarmed by the deteriorating humanitarian situation, which is negatively affecting most Yemenis, but in particular the poorest and most vulnerable, such as children, IDPs and refugees. Isolated acts of sabotage cannot account for all the suffering witnessed by or reported to the Mission throughout the country and the access to electricity, fuel, cooking gas, water and other basic services should not be denied to punish the entire population.

71. While the Mission noted the orders to use restraint in handling protests issued by President Saleh, it concludes that these orders have in several instances failed to prevent deadly responses by Government security forces and their affiliates. The Mission also concludes that relevant Government security forces are neither properly trained nor equipped to fulfil their functions in a manner consistent with Yemen's international human rights obligations. Further, their actions appear so far to have largely escaped credible internal or judicial accountability. Against this backdrop, force has become time and again the response used by the Government against people voicing aspirations for reforms.

72. Accountability and an end to corruption are major challenges in Yemen. The Mission is especially concerned that in the eyes of many Yemenis the judiciary lacks credibility and legitimacy. The Mission is of the view that calls for investigations and prosecutions will be undermined unless urgent measures are undertaken to ensure the independence and integrity of the judiciary and to provide them with sufficient resources. This includes empowering the judiciary to exert its oversight role vis-à-vis all security organs and their places of detention. Other measures will also be necessary to help restore trust between citizens and the state and to re-establish the rule of law in the country. These include the need to institute national reparations programmes for victims and to begin institutional and legal reform programmes with a particular emphasis on the security sector.

73. Based on the Mission's conclusions, the High Commissioner makes the following recommendations. The successful implementation of these recommendations may require technical and financial support from the international community. Such support must take full account of the aspirations of the Yemeni people and must be aligned with Yemen's efforts to build a State that is inclusive, accountable, democratic and equitable.

74. Additionally, given the lack of confidence in the judiciary to conduct impartial investigations into human rights abuses related to the peaceful protest movement there is a need for international, independent and impartial investigations to take place.

To the Government of Yemen:

75. Take immediate action to end attacks against civilians and civilian targets by security forces, in full compliance with Yemen's obligations under international human rights law; in particular, firearms and lethal force should only be used as a last resort when lives are under direct threat.

76. Immediately and unconditionally release all prisoners detained for the peaceful exercise of their freedom of expression and assembly, and who have not been charged with any criminal offence; issue an official list containing the names of all those who have been arrested and charged with criminal offenses in relation to recent demonstrations, including details about their dates of arrest, places of detention, and the charges against them; take immediate measures to ensure that all persons detained on criminal charges are afforded all fair trial guarantees from the moment of their detention, including the right to be informed of the charges against them; the right to have prompt access to a lawyer, to notify a relative regarding their detention; and to appear before a judge within a reasonable period of time in accordance with international standards. Access by prosecutors to all places of detention should be guaranteed.

77. Launch transparent and independent investigations, in line with relevant international standards, into credible allegations of serious human rights violations committed by the Government security forces, including, but not limited to, the killing of civilians, excessive use of force against civilians, arbitrary detention, and torture and ill treatment; ensure that perpetrators are held accountable.

78. Provide reparation to victims and/or families who have suffered harm, including but not limited to death or physical injury as a result of unlawful acts committed by Government security forces or their affiliates.

79. Undertake immediate measures to end the use and recruitment of children; demobilize those who have already been recruited and cooperate with the United Nations for their integration into their communities.

80. Refrain from any action that is intended to deprive the population of basic services such as electricity, fuel and water and undertake urgent actions to restore basic services and access to basic supplies, in particular electricity, fuel, water, medical supplies and facilities, and educational facilities.

81. Urgently define and implement a comprehensive programme aimed at ensuring the protection of all those affected by the long standing conflict in the northern Sa'ada province, particularly IDPs.

82. Enhance cooperation with the United Nations, including implementing recommendations by UN treaty bodies, the UPR and Special Procedures; extending a standing invitation to all thematic Special Procedures; ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute; implementing the recommendations of the Secretary-General's Report to the Security Council on Children and Armed Conflict.

83. Strengthen cooperation with OHCHR and explore potential avenues in that regard.

84. Expedite steps to establish a national human rights institution, in line with the Paris Principles, as agreed during the UPR in 2009.

85. Take measures to preserve the gains in terms of public participation made by women in the past months and translate them into lasting achievements by adopting a Constitutional amendment introducing a quota for women in parliamentary elections.

86. Take immediate steps to redress disparities in standards of living and access to health, education, employment and social support structures, in particular those affecting women, youth and marginalized communities across the country.

87. *To the armed opponents*

88. Remove all weapons, ranging from small fire arms to rocket launchers, from public areas of peaceful demonstrations such as sit ins and marches, and ensure that none of their supporters or those under their command open fire from within peaceful demonstrations thereby putting the demonstrators at risk of return fire.

89. Ensure that no children under the age of 18 years, among their supporters or under their command, participate in checkpoint activities or in protecting protesters.

90. Cease acts of violence, harassment, threats and all attempts at intimidation of demonstrators who express opposing points of view;

91. Release all civilians held in detention centres under opposition control;

92. Recognizing that shortages in fuel, water or electricity have caused extreme hardship, including deaths in some cases, to innocent civilians, refrain from attacking targets that provide such essential services to the civilian population;

93. Cooperate with investigations into abuses that may have been committed by armed men under opposition command and introduce transparent administrative disciplinary measures that comply with international human rights standards to ensure accountability of those under your command.

To the International Community

94. Call on all parties in Yemen to refrain from the use of violence and to resolve their political differences through an open, transparent and comprehensive dialogue;

95. Recognizing that in the present climate of violence and counter violence, much-needed investigations, particularly into excesses or abuses by the military, the security services or their affiliates will not be seen as credible or impartial, ensure that international independent and impartial investigations are conducted into incidents which resulted in heavy loss of life and injuries;

96. Heed the call for humanitarian assistance and provide financial support to the Yemen Humanitarian Response Plan of 2011.