

Study on The Situation of Detention Centers in Yemen



Mwatana for Human Rights

Mwatana is an independent Yemeni organization involved in defending human rights. Mwatana started in 2007, but the former regime of president Ali Abdullah Saleh declined to provide the organization with the permit even after re-submitting the request for several years. With the 2011 uprising that ended Saleh's regime, Mwatana was able to obtain the necessary permit on April 23, 2013. In 2018, the Baldwin Award recognized our work. Human Rights First announced awarding the 2018 Roger N. Baldwin Medal of Liberty to Mwatana. In the same year, the 10th International Hrant Dink Award was granted to Mwatana for informing the world about the status of human rights in Yemen and for struggling against rights violations in the country

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Mwatana for Human Rights

Study on the Situation of Detention Centers in Yemen

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A field team, which received intensive training in data collection and field research, helped in conducting the field research for the study.

This paper was reviewed by a team of academic and human rights specialists.

Executive Summary



The study aimed at providing a realistic depiction of places of detention in Yemen, including the reality of the spatial environment of buildings and services, the extent of compliance with national laws and international rules pertaining to detainees and detention procedures and the provision of moral and physical rights to detainees. The study was conducted in order to contribute to any future procedures related to reforming the human rights environment in Yemen, starting, first and foremost, with the structure and policies of the penal institutions, to ensure they fulfill their legal role and prevent them from becoming a tool for human rights violations in Yemen.

In order to achieve this, the study adopted a descriptive approach in analyzing the data collected through two different forms of questionnaires. The first form targeted a sample of former and current detainees (while the research was conducted in the field), whereas the second form targeted a sample of people in charge of detention centers in police stations in Yemen. National laws and international rules concerning the organization of the work of places of detention were drawn upon.

The field survey was carried out in seven Yemeni governorates covering the whole country, Yemen, geographically, taking into account the inclusion of all parties to the conflict and the various authorities on the ground, namely the governorates of Amanat Al-Asemah⁽¹⁾, Aden, Taiz, Al-Hudaydah, Hadhramaut and Ma'rib. The different stages of the study were carried out during the period between April and September 2018, while the timeline of the study was limited to the period between 2015 and 2018, during which a complex armed conflict involving local, regional and international parties in direct and indirect forms occurred.

The study adopted a descriptive survey methodology, and included different juridical and legal concepts related to the rights of detainees in particular, guided

¹ Amanat Al-Asemah is the city of Sana'a without the surrounding governorate, which is the Sana'a governorate.

by Yemeni national laws and relevant international legislation.

The study included six chapters. The first chapter tackled the problem of the study and its dimensions including objectives, questions, time and spatial limits, and the concepts used in it. The second chapter included the methodology, tools and sample of the study, and the third chapter presented the reality of the human rights situation in Yemen during the period covered by the study, based on local and international human rights reports, as a general background that helps in understanding the details and results of the study.

Chapters four, five and six were devoted to the analysis and presentation of the results of the study. The fourth chapter analyzed the data of the questionnaire on detainees, while the fifth chapter analyzed the data of the questionnaire of people in charge of places of detention in police stations in Yemen, and the sixth chapter contained the main findings and recommendations of the study.

Overall, the study found that there was a general tendency not to adhere to legal procedures when arresting detainees and during their detention. Some detainees were arrested without the people arresting them identifying themselves and with no evidence of the prosecution's order or a judicial arrest warrant. In some cases, detainees were held in places of detention prior to interrogation, without being informed of the reasons behind their detention, or without being allowed to inform their families or anybody else in most cases. In a below-average number of cases, failure to record information of detainees in official records at the time of detention was also noted but for the majority, their data were recorded in official records.

Moreover, the study showcased a general tendency of not informing detainees of the reasons behind their detention and recorded a high rate of detentions for considerations related to the current conflict, and of detainees being held in unofficial places of detention under the authority of different factions of the parties to the ongoing conflict in the country, most notably by Ansar Allah (Houthis), the Emirati forces in Yemen, the military coalition supporting the authorities of President Hadi led by Saudi Arabia, al-Qaeda in the Arabian Peninsula, the

resistance factions within the loyal forces - internationally recognized - and the Arab coalition, and the Hadrami Elite Forces.

Unofficial places of detention were distributed among residential buildings, bathrooms, private buildings, as well as civilian, military and government buildings, with cases of detention without any charges.

There was also a general tendency of not respecting the right of detainees to have access to lawyers during their interrogation by those in charge of places of detention. Furthermore, except for a few cases, there was a tendency of neglecting to refer detainees to the Public Prosecutor's Office within the legal period (24 hours).

The study showed that places of detention in Yemen did not meet international and national standards, with regard to the spatial environment, and the basic services needed to be provided in places of detention. The vast majority of these places was neither spacious and comfortable for the detainees nor clean and did not have good ventilation and adequate lighting during the day and at night. General water and electricity services were available only in a few cases, as a considerable number of these places rely on alternative sources of electricity and water for their inmates, while some cannot provide alternative sources of these essential services. Generally, access to clean and adequate toilet facilities and clean water for washing were not available to detainees who, in most cases, did not have access to either mattresses nor blankets. Only in very rare cases did detainees have access to personal hygiene items such as soap and shaving tools.

At the same time, there was often a lack of respect for the physical and moral rights of detainees. Some detainees did not get enough regular sleep; most did not receive free meals and beverages, and often did not receive meals and beverages when they needed them, even if they paid for them. The vast majority of detainees did not have access to writing sheets of paper or books to read when needed, and most of them were unable to get sun exposure regularly. Most of them did not have the ability to call a doctor when one was needed, except in rare cases.

It was also revealed that, during interrogations, many detainees were pressured and some were forced to sign interrogation minutes. Detainees were subjected to torture using harsh methods, such as electrifying and burning, beating with electric wires, suspension, kicking, beating with sticks and hands, blindfolding, breaking ribs and fingers, along with physical and verbal abuse. Others were deprived of eating and sleeping as punishment after interrogation.

Detainees had limited contact with the outside world with few exceptions when family and friends of detainees were allowed to visit them, but only in a limited and irregular manner except in a below-average number of cases.

For the absolute majority, places of detention were not subject to regular inspection by the public prosecution and the competent authorities.

Although most police officers are graduates of the police academy, and most of them attended legal courses, the release of detainees has sometimes been hampered by delays and demands for money.

At the same time, most police stations and places of detention did not receive any operational budget from the government, and when they did receive them, these operational budgets were not sufficient to meet the basic needs. Most places of detention in police stations do not provide places of the detention for women and juveniles.

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Chapter One

The Problem and Dimensions of the Study



Problem of the Study

◆ Introduction:

Illegal detentions and enforced disappearances are the most common phenomena in times of war and civil conflict, especially as they are accompanied by illegal procedures and practices, and the space for accountability and the ability to defend the rights of victims of such practices are reduced, as they are considered part of the conflict's tools by those who perpetrate them.

Moreover, the environment of detention in general receives little care and attention during conflicts, because the priorities of the authorities are focused on other concerns and available resources are redirected to cover other aspects, i.e. the conditions of places of detention are worse during conflicts than in normal times regardless of the nature of the charges issued against detainees.

Prisons/places of detention have been transformed by the development of social thinking to become means of achieving society's goals in dealing with the phenomenon of crime, reforming criminals through punishment and rehabilitating them to become law-abiding people in their communities⁽²⁾. Some people even consider these penal institutions social institution(s) with two categories of people, namely prison administration as a first category, and inmates as a second category, with emphasis on the description of the second category as inmates and not prisoners, taking into account the impact of words in order to reform them⁽³⁾. These places can no longer be dealt with in Yemen from this perspective, in light of their growing negative role as means of violating the freedoms and rights of many citizens without legal basis, and in order to reform their behavior. Therefore, identifying and exploring the reality of detention places according to the data and circumstances of the conflict in Yemen can be considered an important process that can contribute to redressing the imbalances that accompany large-scale detentions.

² Mohammed Abu Zahra, *Crime and Punishment*, Dar Al Fikr Al Arabi, Cairo, 2000, p. 103.

³ Mahmoud Naguib Hussein, *Penitentiary Science*, Dar Al Nahda Al Arabiya, Cairo, 1989, p. 50.

The political and security developments in Yemen after 2011 were a catalyst for the fragility and weakness of government institutions, which also suffered from the absence of the rule of law and the deterioration of the security situation more than in previous periods. While these prisons suffered from limited financial resources to manage their day-to-day affairs, provide services and meet the needs of their inmates even before the current conflict, the Yemeni Department of Correctional Services was directly affected by these circumstantial and environmental factors⁽⁴⁾.

Then, since September 2014, when Ansar Allah (Houthis) took control of the capital Sana'a with weapons, and with the military intervention of the Saudi-led coalition in March 2015, and the subsequent changes on the ground, many international and local organizations documented the high number of detentions, arrests, enforced disappearances and torture cases occurring in Yemen. They documented as well that parties of the conflict tortured, ill-treated and detained detainees in poor conditions, forcibly disappeared persons believed to be political opponents, or a security threat, and that the number of enforced disappearances has been increasing, with hundreds of cases documented by human rights organizations⁽⁵⁾.

The war exacerbated arbitrary detentions and abductions, and some detainees were held in unofficial places of detention, including private homes, without being informed of the reasons behind their detention or given the opportunity to challenge the lawfulness of such detention⁽⁶⁾.

It is noticeable that the cycle of human rights violations, including the right to life, has expanded alarmingly and is expanding from year to year.

These situations are not limited to one of the parties to the current conflict, but geographically include all of Yemen and its areas under the control of the various

4 Fiona Mangan; Erica Gaston, *Prisons in Yemen*, United States Institute of Peace Publications, First Edition, Washington 2015, pp. 8-10.

5 Human Rights Watch, *World Report 2018, Summary on Yemen*, January 2018, <https://www.hrw.org/ar/world-report/2018/country-chapters/313455>

6 Amnesty International 2015/2016, *The State of the World's Human Rights Report*, Arabic version, first edition 2016, London, p. 342

parties.

It is known that during wars, official detention institutions are not considered a priority in terms attention to the responsible authorities in the country. The decline in public revenues, which are also channeled to cover the costs of war, also reduces the share of these institutions. The value of the government budget they receive to provide services and care for detainees declines, although they are responsible for the care of inmates, whose numbers are rising while the share of the approved expenditure for each inmate is declining. Another factor is the rampant corruption, which limits the use of limited resources in their supposed expenditure. In its 2017 Corruption Perceptions Index, the Global Anti-Corruption Organization “Transparency International” ranked Yemen in the 175th position out of 180 countries⁽⁷⁾, the worst ranking in Yemen’s history in regard to the widespread corruption, despite the known rampant corruption in the country.

This means that the war has a significant role in the high numbers of detainees. While the detention environment is subjected to more neglect, these numbers of Yemeni citizens, in addition to those held in temporary places of detention in police stations, and those held in unofficial places of detention are almost forgotten, given the preoccupation of authorities and the general opinion pertaining to the developments in the conflict.

In general, and due to their wide presence in the country and the fact that they are often considered the first station to detain targeted people, police stations are among the most prominent places that receive many cases of detention, especially cases where people are detained and deprived of their freedoms without judicial rulings. Therefore, the present study will primarily focus on police stations and the reality of places of detention. It will also seek to know the reality of places of detention in general, both official and unofficial, in order to get a closer view of the reality of these places, and as a first step in working to reform them so as to safeguard and protect the rights of detainees in the future.

7 “Corruption Perceptions Index 2017,” Transparency International, last modified February 21, 2018, accessed June 25, 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017

Conducting a systematic study of the detention environment in Yemen during the current war is the first step to provide real and constructive data to reform the environment and protect the rights of thousands of detainees. This is the purpose of this study.

Questions of the Study

In general, the study aimed at answering various questions that serve its objectives, the most important of which are the following:

- What actions have been taken with detainees prior to their detention in places of detention?
- What is the nature of the charges against the detainees?
- To what extent do detainees have access to legal protection in detention?
- What is the reality of the spatial environment of places and facilities of detention?
- To what extent are detainees provided with physical and moral rights? What are the methods of interrogation used, and how much do they respect human rights principles?
- To what extent can detainees contact the outside world?
- What are the complaints and inspection procedures in places of detention?
- What are the adopted methods of releasing detainees?

Objectives of the Study

The study aims at investigating the reality of places of detention in Yemen during the current conflict. This objective has the following sub-objectives/ procedural objectives:

- Identifying the actions taken with detainees prior to their detention in places of detention.
- Identifying the nature of the charges against the detainees.
- Identifying the extent of access to legal protection detainees have in detention.
- Identifying the reality of the spatial environment of places and facilities of detention.
- Identifying extent of physical and moral rights detainees are provided with.
- Identifying the methods of interrogation used, and to what extent they respect human rights principles.
- Identifying to what extent detainees can contact the outside world.
- Identifying complaints and inspection procedures in places of detention.
- Identifying the methods of releasing detainees.

Importance of the Study

The importance of the current study is that it is linked to a fundamental and essential human rights issue, as it seeks to present a realistic picture of places of detention in Yemen during a period of protracted conflict, focusing on the qualitative aspect of this reality, guided by quantitative indicators available through the primary and secondary sources of the study. This study is also an attempt to link the current reality of places of detention in Yemen with international standards of places of detention, specifically those standards and rules established by the United Nations and the International Committee of the Red Cross.

This study is not limited to political and human rights detainees, as is the case with most reports dealing with issues of restriction and violation of freedoms, but it also includes all detainees, regardless of the nature of the detention, its causes and parties.

In general, knowing the reality of places of detention in Yemen during the conflict is the first step towards starting the process of reforming the detention environment in Yemen, both during and after the conflict. This gives the study an additional importance, as it can be considered a reference on which researchers, jurists and competent authorities can build on in the future.

Limits of the Study

The time limits for this study are limited to the period of the ongoing war in Yemen, meaning from the beginning of 2015, until the time of the study during the second and third quarters of 2018.

The spatial limits of the study include the Republic of Yemen. A deliberate sample was selected from seven Yemeni governorates (Amanat Al-Asemah, Aden, Al-Hudaydah, Hadhramaut, Ibb, Ma'rib and Taiz) to carry out the study. At the same time, it reflects the multiplicity of actual authorities on the ground at the time of the study (the internationally recognized Yemeni government, the de facto authorities of the Ansar Allah armed group, “the Houthis”), and their ally former president Ali Abdullah Saleh, whose alliance with them ended with his death in December 2017.

Concepts and Terminology of the Study

In its conceptual and analytical framework, the study adopted a number of concepts related to human rights, including arbitrary detention and enforced disappearance, places of detention, detainee, and arrest, based on national and international legal concepts adopted in this framework. In some of them, the below procedural definitions have been included in the present study to eliminate ambiguity in the reader's understanding of the convergence and similarity of the concepts:

Human Rights:

The concept of human rights deals with the terms (right) and (human) in their respective meaning⁽⁸⁾, taking into account that human rights are an integral and indivisible system, and in principle there is no justification for offering one right over the other, such as the right to food over the right to expression⁽⁹⁾. The definition of human rights can be summed up as follows: “Set of needs or demands that are required for the general public, without any distinction between them, whether on grounds of sex, gender, color, political belief, national origin or any other consideration⁽¹⁰⁾.”

Enforced Disappearance:

The International Convention for the Protection of All Persons from Enforced Disappearance (2006) defines it in Article II: “‘Enforced disappearance’ is considered to be 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⁽¹¹⁾.”

8 Amer Hassan Fayyad, *Public Opinion and Human Rights*, Legal Library, Baghdad, 2004, p. 78.

9 Abdulnabi al-Aaker, *Reading into the Project of Democratic Reform*, Dar al-Kfour, Beirut, 2003, p. 20.

10 Ahmad Al-Rashidi, “On Some Human Rights Problems”, *Democracy* (Al-Ahram Center for Political and Strategic Studies), First Year, Second Issue, Spring 2001, p. 84. (It should be noted that there is no specific definition of human rights, but there are many definitions that may differ from one society to another or from one culture to another, for example, Dr. Mohammed Abdul Malik Al-Mutawakkil provides a comprehensive and broad definition of human rights. He defines them as follows: “The set of rights and demands to be fulfilled for all human beings on an equal and non-discriminatory basis. This is at the level of jurisprudence. At the official level, the United Nations defines human rights as “universal legal guarantees for the protection of individuals and groups from government actions that affect the fundamental freedoms and human dignity. The Human Rights Law requires governments to commit to certain things and prevents them from doing other things” (From Wikipedia, the free encyclopedia https://ar.wikipedia.org/wiki/%D8%AD%D9%82%D9%88%D9%82_%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86)

11 United Nations, *International Convention for the Protection of All Persons from Enforced Disappearance* <https://www.ohchr.org/AR/HRBodies/CED/Pages/ConventionCED.aspx>

Detainee:

The Yemeni Law No. (48) of 1991 on the organization of the Department of Correctional Services, as amended by Law No. (26) of 2003, defined a prisoner as “any person who has been given a valid sentence to be imprisoned” and defined (a person held on remand custody) as “every person against whom a warrant or decision has been issued by a legally competent authority⁽¹²⁾ to be remanded in custody”. The Guidebook on the Human Rights Approach in Prisons stipulates that those who are awaiting trial, or during their proceedings, may be called detainees⁽¹³⁾.

For the purposes of this study, we will use the term “detainee” as a procedural definition to include “any person whose liberty has been restricted either through detention or restriction of freedoms by virtue of a judicial order or without judgment, and whether the arrest occurred in accordance with or in contravention of legal proceedings”.

Place(s) of Detention:

Yemen’s Prisons Regulation Act defined the prison as “the place where prisoners and prisoners remanded in custody are held.”⁽¹⁴⁾

This study will procedurally use the concept of place(s) of detention as “any place where detainees have been placed, formally or informally, including official central prisons and remand, police stations prisons, private buildings and civilian and military facilities used as places of detention, which were neither their function nor purpose.” The word prison or place of detention in the study has the same significance, unless otherwise noted in the context.

12 Article (2) of Law No. (48) for the year 1991 on the regulation of prisons in the Republic of Yemen

13 Andrew Coyle, A Human Rights Approach to Prison Management, International Center for Prison Studies Publications, London, 2nd edition, 2009, p. 11

14 Prisons Regulation Act, op.cit.

Arrest:

Article 70 of the Yemeni Code of Criminal Procedure defines arrest as “seizing a person and bringing him into Court or the General Prosecution or to the Judicial Enforcement Officers in the situations set out by the Law; this shall be based on an order issued by the arresting official who is duly authorized, whether legally or orally, if the ordering person is present in front of him. The order would entail that the person being so arrested is deprived of his freedom until his case is dealt with.”⁽¹⁵⁾

For the purpose of this study, the following procedural definition of arrest will be used: “to take a person to any place of detention, and to restrict his or her liberty either by compliance with or in contravention of the lawful arrest procedures, and whether carried out by persons with judicial or non-judicial capacity”.

15 Code of Criminal Procedure of the Republic of Yemen No. 13 of 1994

Chapter Two

Methodology and Procedures of the Study



Methodology and Tools of the Study

This study mainly used a descriptive survey method, to describe the places and procedures of detention in Yemen during the study period, by qualitative and quantitative analysis of the data collected through different study tools, mainly through the two questionnaires, the first of which was distributed to a sample of current and former detainees, the second to a sample of people in charge of places of detention in police stations.

In the collection of data, the study relied on a range of sources and tools as follows:

◆ **First: Primary Sources:**

- 1 The questionnaire of the study on the reality of places of detention in Yemen, distributed to a sample of current and former detainees, and included two dimensions:

First Dimension: Basic Data

Second Dimension: Specialized data consisting of nine main axes, each axis includes a number of paragraphs as follows:

- ❖ **First Axis:** Actions taken with detainees prior to detention in places of detention, consisting of (13 paragraphs), using the binary scale (yes, no).
- ❖ **Second Axis:** Nature of the charges against detainees, consisting of (5 paragraphs), using the binary scale (yes, no).
- ❖ **Third Axis:** Extent of legal protection provided to detainees during their detention, consisting of (6 paragraphs), using the binary scale (yes, no).
- ❖ **Fourth Axis:** Spatial environment of places and facilities of detention, consisting of (9 paragraphs), using the Likert scale (1=Strongly Agree, 2=Agree, 3= Neutral, 4= Disagree, 5=Strongly disagree).

- ❖ **Fifth Axis:** Extent of physical and moral rights provided to detainees, consisting of (7 paragraphs), using a tripartite scale (1=Always, 2=Sometimes, 3=Never).
- ❖ **Sixth Axis:** Interrogation methods in places of detention, consisting of (8 paragraphs), using the Likert scale (1=Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly disagree).
- ❖ **Seventh Axis:** Extent of detainees' contact with the outside world, consisting of (5 paragraphs) using a tripartite scale (1=Always, 2=Sometimes, 3=Never).
- ❖ **Eighth Axis:** Ability to file complaints and inspection procedures, consisting of (3 paragraphs), using a tripartite scale (1=Always, 2=Sometimes, 3=Never).
- ❖ **Ninth Axis:** Methods of releasing detainees, consisting of (2 paragraphs), with multiple choices and open answers.

- 2 Questionnaire for people in charge of police stations, distributed to a sample of them, and included the following two dimensions:

First Dimension: Basic Data

Second Dimension: Specialized data consisting of three main axes, each axis includes a number of paragraphs as follows:

- ❖ **First Axis:** Experiences of people in charge of places of detention in police stations, consisting of (11 paragraphs), using a tripartite scale (1=Always, 2=Sometimes, 3=Never).
- ❖ **Second Axis:** Adopted procedures by police stations during detention, consisting of (11 paragraphs), using a tripartite scale (1=Always, 2=Sometimes, 3=Never).
- ❖ **Third Axis:** Capacities and financial resources of places of detention in police stations, consisting of (19 paragraphs), using a binary scale (yes, no).

◆ Second: Secondary Resources

These included national laws relating to places of detention, legal procedures to be followed in dealing with detainees, international and domestic reports on human rights and the reality of places of detention, and previous studies relevant to the field of the current study, despite the scarcity of studies directly related to the reality of places of detention in Yemen.

Community and Sample of the Study:

Due to the nature of the study and its sample, it is not possible to predict the number of people that can be reached in its framework, whether from former and current detainees or people in charge of police stations. Furthermore, the number of actual respondents in the case of a specific sample number at the level of each governorate can't be predicted in a proportionate or equal manner or any other way, since the lack of response of some of the targeted people affects the size of the sample, at a time when there are no other alternatives that are easily accessible to replace non-respondents. In order to ensure that the distortion in the size of the sample among the governorates doesn't impact the results of the study, the researcher resorted to the selection of a random sample at the level of all governorates without a pro-rata distribution between them.

The researcher set a preliminary limitation of the number of the sample between 200 and 300 respondents, so that it can be treated as a representative sample of the research community, and on the ground, the field researchers were able to reach (277) former and current detainees. The size of the sample of people in charge of places of detention in police stations was (60) respondents, due to the fact that the research community/police stations are relatively small. The questionnaire was carried out twice to reach the required sample, after researchers failed during the first phase to reach the required number of the sample, due to the lack of response by police officials, especially in the Amanat Al-Asemah and Ma'rib governorates. Nevertheless, the number of respondents is highly representative of the research community due to the relatively small size of the research community, excluding

people in charge of informal places of detention, for various objective reasons, and mainly to guarantee the safety of researchers.

Because the study intended to describe the current situation of places of detention and methods of dealing with detainees in Yemen rather than to provide numbers or statistics, a qualitative/descriptive analysis will be the basis for this study, based on its objectives and questions.

In general and based on the nature and objectives of the study, the population and sample of the study were identified and selected as follows:

- The questionnaire for studying the reality of places of detention in Yemen was distributed to a sample of current and former detainees, and the target sample was selected (277 detainees) among current and former detainees, according to the ability of field researchers to reach them and have them agree to respond. The sample was distributed among seven Yemeni governorates (Amanat Al-Asemah, Aden, Al-Hudaydah, Hadhramaut, Ibb, Ma'rib and Taiz) On one hand, the governorates of (Ma'rib, Aden and Hadhramaut) were selected for geographical and political criteria, as they are the most prominent governorates under the authority of the internationally recognized government of Yemen, while on the other hand, the governorates of (Amanat, Ibb, Taiz, and Al-Hudaydah) were selected for falling under the de facto powers of the Ansar Allah group (Houthis).
- The questionnaire for people in charge of police stations was distributed to a sample of officials in police stations. The sample consisted of (60 police stations/officials in a police station) according to the ability of field researchers to reach them and have them agree to respond. The sample was distributed to seven Yemeni governorates (Amanat Al-Asemah, Aden, Al-Hudaydah, Hadhramaut, Ibb, Ma'rib and Taiz). These governorates were selected for the same data as the sample of the detainees.

Chapter Three

The Reality of Human Rights in Yemen
during the Years of the War (2015 – 2018)



During the years of the war that has been ongoing since 2015, Yemenis have been subjected to various violations that severely affect their lives and social cohesion because these violations weren't of an individual nature only, but rather a number of violations committed took on a collective nature. Some were related to the right to life, freedom of opinion and expression, participation in public affairs, and the right to work, to vote and to demonstrate, and the deprivation of nearly 1.25 million government employees in whole or in part from their monthly salaries since August 2016⁽¹⁶⁾ could be considered as an indicator of violations of a collective nature.

On the other hand, citizens in Yemen no longer complain about the violation of their rights by the state or official authorities only, as was the case in the past. The parties violating their rights guaranteed by international and national legislation have become numerous and uncontrollable. As a result of the ongoing conflict, the State of Yemen has reached an unprecedented state of fragility and absence of the rule of law, as reflected in the opening of the report of the United Nations Panel of Experts on Yemen to the Security Council in early 2018 with the following paragraph:

“After nearly three years of conflict, Yemen, as a State, has all but ceased to exist. Instead of a single State there are warring statelets, and no one side has either the political support or the military strength to reunite the country or to achieve victory on the battlefield.”⁽¹⁷⁾

The existence of a state is linked to the fulfillment of its basic function of protecting its citizens, safeguarding their freedoms and guaranteeing their rights. If individuals are subjected to infringement of their rights and freedoms, the state will prevent such infringement and protect the individuals. However, when individuals are subjected to infringement of their freedoms and rights by the state, this is a complex problem⁽¹⁸⁾, and this is almost the situation prevailing in Yemen

16 United Nations Office for the Coordination of Humanitarian Affairs, Yemen Humanitarian Response Plan, January-December 2018, January 2018, p. 8.

17 Panel of Experts on Yemen, mandated by Security Council resolution 2342, Final Report of the Panel of Experts on Yemen, United Nations publication, January 2018, New York, p. 2.

18 Ahmad Wafi, International Mechanisms for the Protection of Human Rights and the Principle of Sovereignty, PhD Thesis, University of Algiers, Algeria, 2011, p. 4

during the ongoing conflict since 2015. The state is no longer fulfilling its duty and function to protect its citizens from attacks by others. At the same time, the fundamental rights of citizens are sometimes violated by individuals representing state authorities.

Moreover, the fragility of the state, the weakness of its powers and lack of control of power tools protecting law enforcement, make legislation that protect citizens and guarantees their rights subject to violation and absenteeism, and lead to uncontrollable practices adopted by any party that has the power to impose its desires and decisions on the ground without regard to these legislation. In this context, and at the level of Yemen, there have been widespread violations of international humanitarian law and international human rights law by all parties to the conflict. The rule of law is deteriorating rapidly across Yemen. The Government of Yemen, the United Arab Emirates and Houthi-Saleh forces have all engaged in arbitrary arrests and detentions, carried out enforced disappearances and committed torture⁽¹⁹⁾.

As the evolution of conflict methods led to the involvement of irregular armed groups and paramilitary forces⁽²⁰⁾ on the ground, there are several military and paramilitary formations in the ongoing conflict in Yemen, including formal and informal ones, such as the army and armed groups loyal to President Hadi, the security belt formations in Aden, Abyan and Lahij, the Hadrami and Shabwani elite forces, all loyal to the UAE, the forces of the Arab coalition led by Saudi Arabia, the Ansar Allah armed group (Houthis) and forces loyal to former President Ali Abdullah Saleh, and formations belonging to Al-Qaeda in the Arabian Peninsula and the Islamic State (ISIS)⁽²¹⁾.

The right to education was one of the rights lost in Yemen. Almost 10% of Yemeni schools were affected by the conflict, some of which were completely destroyed. The interruption of salaries for public sector employees, including teachers, threatened the continuation of the education process in Yemen, and the

19 Panel of Experts on Yemen, op. cit., p. 3

20 International Red Cross, Human Rights and Humanitarian Law for Police and Security Forces, Third Edition, Geneva 2008, p. 9.

21 Panel of Experts on Yemen, op. cit., p. 18 – 27.

internal displacement of some 2.9 million persons as a result of the conflict has deprived hundreds of thousands of children of their schooling⁽²²⁾. In 2015, (34%) of children were denied access to school because of the conflict. One reason for children not going to school was the fear of schools being bombed by the Arab coalition, which has been involved in the war in Yemen since March 2015, or schools being used by armed men as military barracks, or by local displaced people⁽²³⁾.

The conflict has violated the human right to food, bringing the number of Yemenis in need of humanitarian assistance to more than 22 million citizens, representing (75%) of the country's total population. Nearly 16 million Yemenis did not have access to clean water and hygiene requirements⁽²⁴⁾.

On the other hand, thousands of Yemeni patients were at risk as a result of the deterioration of health facilities, and nearly half of these facilities were unable to continue providing their services in whole or in part, with the closure of one of Yemen's most important outlets to the world, Sana'a International Airport by the Saudi-led coalition forces since August 2016⁽²⁵⁾. Numerous Yemenis were receiving health care services outside Yemen as a result of their declining level within the country, and were unable to follow up on their cases after the closure of the airport.

The restriction of human freedom has strict controls because of the psychological, moral and material consequences it has on detainees. International human rights conventions have made clear provisions in this regard so as not to leave the national state systems to exercise their policies against their citizens

22 UNICEF, Yemen Humanitarian Situation Report, September 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Yemen%20Humanitarian%20Situation%20Report-%20August-%20September%202017-%203110.....pdf>.

23 Amnesty International, "Our Kids Are Bombed: Schools under Attack in Yemen" Report, London, First Edition, 2015. <https://www.amnesty.org/download/Documents/MDE3130262015ARABIC.PDF>. The website was revisited on June 2nd, 2018.

24 United Nations Office for the Coordination of Humanitarian Affairs, Yemen Humanitarian Response Plan, January-December 2018, January 2018. https://reliefweb.int/sites/reliefweb.int/files/resources/20180120_HRP_YEMEN_Working_Final_Ar.pdf The website was revisited in May and June 2018.

25 Oxfam, Yemen's crisis: 1000 days since the beginning of the humanitarian disaster in Yemen, link: <https://arabic.oxfam.org> أزمة اليمن-1000-يوم-منذ-بدء-الكارثة-الانسانية-في-اليمن / oxfam.org

without restrictions and accountability. Since the United Nations adopted the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), international treaties and conventions establishing additional protection for some of the most vulnerable groups (women, children, prisoners, detainees, etc.) or prohibiting certain practices and serious violations of certain rights (prohibition of torture, prohibition of arbitrary detention, prohibition of enforced disappearance, etc.), have been elaborated, including the International Humanitarian Law and the Convention against torture⁽²⁶⁾.

In view of the importance of safeguarding and protecting human rights, these international treaties and conventions include the right to life and liberty, no restriction of freedom, or arbitrary detention. In case of arrest, under the International Covenant on Human Rights, a person is entitled to be informed of the reasons for the detention, to inform his/her family, to have access to a lawyer to defend him/her, and not to be tortured⁽²⁷⁾.

Thus, the fundamental human rights to life, liberty and physical integrity of the body, the rights to legal assistance in the event of arrest and deprivation of liberty, the right to contact family and the outside world, and other rights are guaranteed - and constitute legal obligations for all States - in accordance with international instruments and treaties.

Although Yemen has ratified (55) international human rights treaties and instruments, their incorporation into the system of national laws and consequently their application still requires further legislative and institutional amendments, which means that these international conventions and legislation remain limited with respect to their operational aspect, despite the fact that Article (6) of the Yemeni Constitution stipulates abiding by them⁽²⁸⁾.

26 Publications of the United Nations, Standard Minimum Rules for the Treatment of Prisoners "The Nelson Mandela Rules", January 2016

27 Abdulwahab Shamsan, Harmonizing the National Framework of International Conventions and Treaties Relevant to Criminal Justice and Fair Trial, Yemen Journal for Human Rights, Issue 6, December 2013, p. 13

28 Obeid Ahmad Al-Obeid, Harmonizing Yemeni Laws with International Human Rights Obligations, Yemen Journal for Human Rights, Issue 6, December 2013, pp. 32-38

Nevertheless, all basic human rights, including the right to life and liberty, are guaranteed by the Constitution and the laws in force, but practical practices on the enforcement of these laws continue to suffer from significant shortfalls when comparing theoretical texts with practice.

In Amnesty International reports on Yemen, secret detention centers were found in areas under the control of the internationally recognized government authorities, run by Yemeni security forces loyal to the UAE or UAE forces in Aden, Lahij, Hadhramaut, Shabwah, and Abyan, where detainees were tortured and denied the most basic rights guaranteed by virtue of domestic and international legislation. The organization said that this constitutes a serious violation of international humanitarian law and human rights law⁽²⁹⁾.

According to the concept of international humanitarian intervention, which sometimes contradicts the principle of respect for the internal affairs of States as a result of the wide interpretation of Chapter VII of the Charter of the United Nations, and with its various instruments from military intervention to economic and political pressure⁽³⁰⁾, the responsibility to reduce or prevent human rights violations in Yemen has become international, considering that the situation in Yemen is dealt with in accordance with the provisions of Chapter VII of the Charter of the United Nations and the text of UN Resolution 2216 concerning Yemen⁽³¹⁾. Although the United Nations Human Rights Council has established a three-member independent international human rights expert committee to monitor and report on the human rights situation in Yemen⁽³²⁾, Yemen has signed many international human rights legislation and covenants, including nine out of 13 international treaties linked to human rights which are supposed to remain

29 Amnesty International, “God Only Knows If He’s Alive” report, Enforced Disappearance and Detention Violations in Southern Yemen, London, First Edition, 2018, p. 5

30 Khaled Hassani, Some Theoretical Problems of the Concept of Human Intervention, Arab Future Magazine, Issue 425, July 2014, Beirut, p. 42

31 United Nations, Security Council, Resolution 2216 (2015), <https://daccess-ods.un.org/TMP/5495744.34757233.html>

32 Human Rights Council, thirty-sixth session, annual report of the United Nations High Commissioner for Human Rights, Situation of human rights in Yemen, September 2017

valid in times of conflict⁽³³⁾, and several articles of the Yemeni Constitution are linked to international legislation, as shown in Table (1). However, the wave of human rights violations in Yemen ranging from the right to life to the right to education, employment, freedom of movement, food, freedom of opinion and belief persists in the country.

Although contemporary international law has evolved to such an extent that individuals are afforded some international legal personality that enables them to defend their rights against any State, including their own State, in special cases⁽³⁴⁾, and that human rights no longer fall wholly within the jurisdiction of States⁽³⁵⁾, human rights crimes are still not subject to a statute of limitations, and suits are not dropped with time, and there is always a possibility of accountability and compensation⁽³⁶⁾. Consequently, the door to human rights organizations has not and will not be closed and they can contribute to holding the perpetrators of crimes against human rights accountable.

While different violations, including sexual assaults, rape, abduction, extortion, and detention⁽³⁷⁾, have affected various categories of Yemenis during the conflict, the impact of these violations on these people, especially those detained, is not limited to an impact on them as individuals, but extends beyond them to society. Places of detention leave their mark through the so-called “prisoner personality”, which is formed in prisons⁽³⁸⁾. If the personalities of thousands of detainees are shaped by humiliating practices that degrade their human dignity, they will return to their communities, families and children burdened by these insults.

Although there are some exceptions in international conventions that allow states to restrict public freedoms in times of war since they are considered to be

33 United Nations, Human Rights Council, Report of the High Commissioner for Human Rights on Yemen (September 2014-June 2018), August 2018, p. 4.

34 Ali Ashour El-Far, *The Role of the United Nations in Monitoring Human Rights: A Study in Theory and Practice*, Ph.D. Dissertation in Public International Law, Faculty of Law, University of Algiers, 1993, p. 62.

35 Ahmad Al-Rashidi, *Human Rights, Concepts of Scientific Foundations of Knowledge Series*, International Center for Future and Strategic Studies, Egypt, No. 24, Second Year, December 2006, p. 6.

36 Sharef Toumeh, *International Safeguards for the Protection of Human Rights*, Master Thesis, Mohamed Khider University, Biskra, Algeria, 2015, p. 8.

37 Op. Cit.

38 Mohammed Ali Rahim, *Prison*, Dar El Nahda Al Arabiya, Cairo, 2000, p. 39.

exceptional times, they do not include violations of fundamental and inalienable human rights, such as the right to life, freedom from torture and cruel treatment. The Arab Charter on Human Rights has excluded the suspension of judicial guarantees necessary for the protection of those rights in exceptional times⁽³⁹⁾. However, this exception does not eliminate the international obligation that such rights are absolute and may not be restricted at any time and under any circumstances, including during armed conflicts and other emergency times. The judicial protection of the people whose rights were violated is not terminated at any time and is not excluded in any way accordingly.

Table (1): Principles of Legal Protection of Human Rights in the Yemeni Constitution in Comparison with International and Regional Agreements⁽⁴⁰⁾

Guaranteed Rights	Articles of Yemen's Constitution	Articles of the Universal Declaration of Human Rights	Articles of the International Covenant on Civil and Political Rights	Articles of the International Covenant on Economic, Social and Cultural Rights	Articles of the Arab Charter on Human Rights	Articles of the African Charter on Human and Peoples' Rights
The principle of equality in rights and duties	(25, 41)	(1, 2, 7)	(2/27,1)	(2/3,2)	(3/2,1)	(2)
The principle of equality between men and women	(31, 41)	(2 ,1)	(3)	(3)	(3/3, 31/4)	(18/3)
The principle of people are the source of all powers	(4)	(21/3)	(1)	(1)	(2/1)	(20)
The principle and right of personal freedom	(48/A)	(3)	(1/9)		(14/1/2)	(6)
The principle of the sanctity of residences, places of worship and private lives of citizens	(53 ,52)	(12, 18)	(7, 18)		(21)	(4, 8)

39 Arab Charter on Human Rights, Article 4, paragraph (2).

40 Gibran Saleh Ali Harmal, The Reality of Human Rights in Yemen Between Theory and Practice, Al-Mustaqbal Al-Arabi Magazine, Issue 421, March 2014, p. 104.

The right to form and join political organizations and parties	(5, 58)	(4, 20, 23)	(22/1)	(8)	(24/1/2/5, 35/1/2)	(10)
The right to a nationality	(44)	(15)	(24)		(29)	-
The principle of protecting families, motherhood, childhood and the welfare of the rising generation and youth	(30)	(16/25, 2)	(10)		(33)	(18/1/2)
The right to work and to prevent forced labor	(29)	(4, 23)	(8)	(7)	(34/1/2)	(15)
The right to education	(54)	(26)		(13)	(41/2, 1)	(17)
The right to health, social and cultural services and social insurance	(55, 56)	(22, 24)		(9, 12, 15)	(36, 39)	(13/3)
The right to private property and its protection	(7/C)	(17)	(14)		(31)	(14)
The principle of freedom of opinion and expression	(42)	(19)	(19)		(32)	(9)
The principle of freedom of scientific research and artistic and cultural literary creativity	(27)	(27)		(15)	(42/2)	(9/2, 17/2)
The principle of freedom of movement and not expelling citizens from their home country or preventing them from returning to it	(57)	(13)	(12)		(27, 26/2)	(12/2, 1)
The right of political asylum for foreign and persecuted refugees	(119/16)	(14)			(28)	(12/3)
The right of a citizen to be a voter and a candidate	(43)	(21)	(25)		(24/3)	(13/1)
The principle of the independence of the judiciary	(149)	(10)	(14/1)		(12)	(26)

The right of litigation and defense	(49, 51)	(8, 10, 11)	(2/14, 3/1/3)		(16, 12/3/4)	(7/1-A-C)
The principle of no criminal offence or penalty except as defined by the law	(47)	(11/2)	(14/3, 2)		(15)	(7/2)
The principle of the presumption of innocence for the accused person	(47)	(11/1)	(14/3, 2)		(16/1)	(7/1)
The principle of the prohibition of torture and the right to promptly report on the basis of arrest and the right of recourse to the procedure	(48/B/J)	(9)	(9)		(14/16, 3/1/23, 7)	(7)

Chapter Four

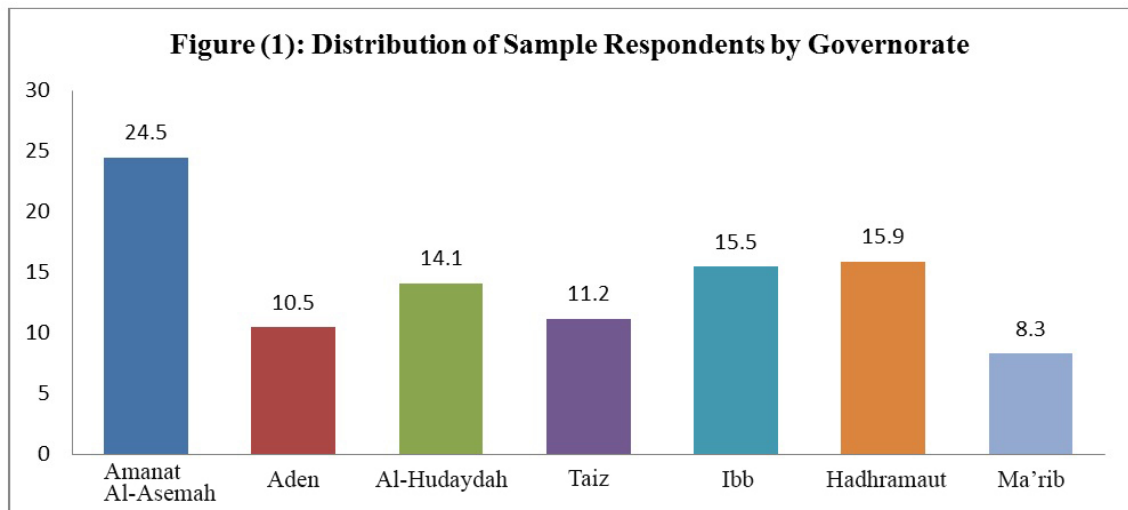
The Reality of Places of Detention in Yemen
from the Perspective of Detainees



Analysis of the Study Sample

The sample of the study's questionnaire on the reality of places of detention and police stations in Yemen included (277 respondents) who were detained during the study period (2015-2018). The sample was distributed among seven Yemeni governorates (Amanat Al-Asemah, Aden, Al-Hudaydah, Hadhramaut, Ma'rib, Taiz and Ibb). The sample was not distributed proportionally or in any other way among the governorates. The distribution was subject to considerations of access to individuals who had been arrested during the study period, because the study did not intend to produce quantitative results but rather qualitative results as described above.

The percentage of the sample distribution according to the governorates is shown in Figure (1):



This distribution does not reflect the actual size of the detainees at the governorate level, because the sample of each governorate was not targeted based on prior statistics or by specifying a certain percentage of the number of detainees in each governorate. Amanat Al-Asemah was on top because of its considerable population as compared to the other governorates, since it is the capital of Yemen. Furthermore, the research was conducted at the level of the capital of each governorate and not the whole governorate, except for Ibb governorate,

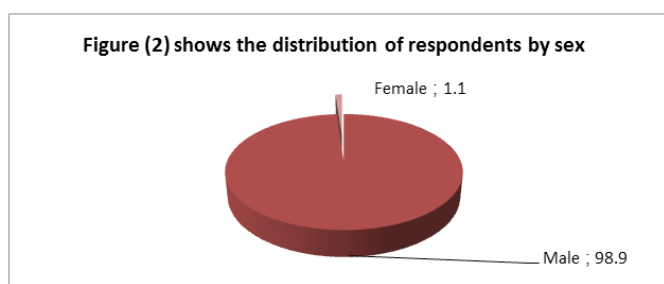
where the field survey was conducted in the capital of the governorate and in the rural districts of Ibb.

The places of detention at the governorate level for the detainees surveyed can be accurately illustrated by their actual places of detention, and not the place of their participation in the study survey through Table (2). Some of them were detained in other governorates outside the seven governorates targeted in the study (Al Bayda and Dhamar) before being transferred to the governorates, in which they responded to the study. These seven detainees, included in the table, were detained by Ansar Allah (Houthis) at checkpoints in Dhamar and Al Bayda:

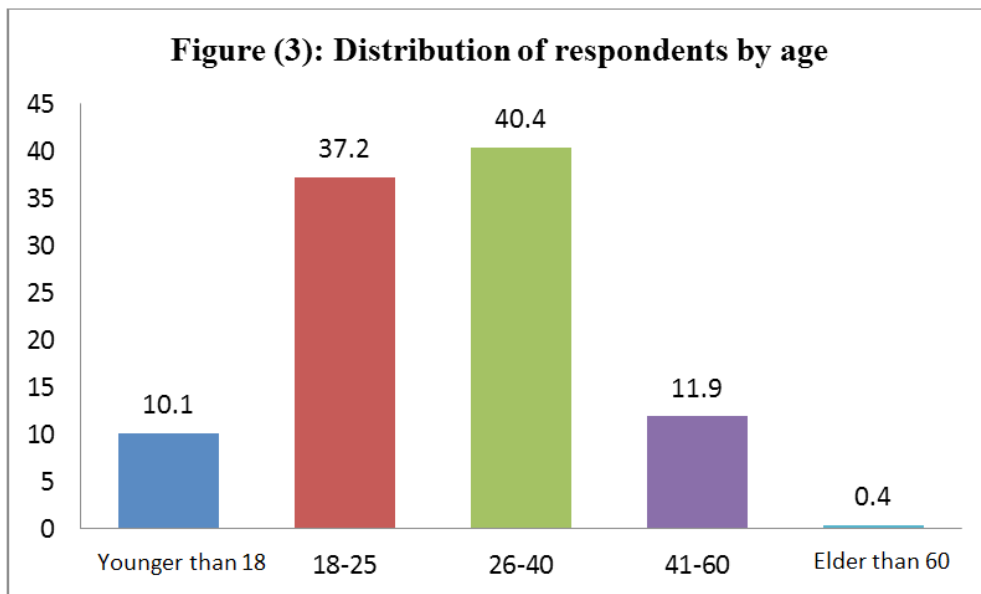
Table (2) shows the governorates where the detainees were arrested

Detention in the Governorate	Recurrence	%
Amana	67	24.2
Aden	30	10.8
Al-Hudaydah	38	13.8
Taiz	31	11.2
Ibb	41	14.8
Hadhramaut	45	16.2
Ma'rib	18	6.5
Dhamar	4	1.4
Al Bayda	3	1.1
Total	277	100

Concerning sex, females are detained only in rare cases compared to men in Yemen for social and cultural reasons. Therefore, we find only 3 females out of (277 respondents) included in the sample, as shown in Figure (2):



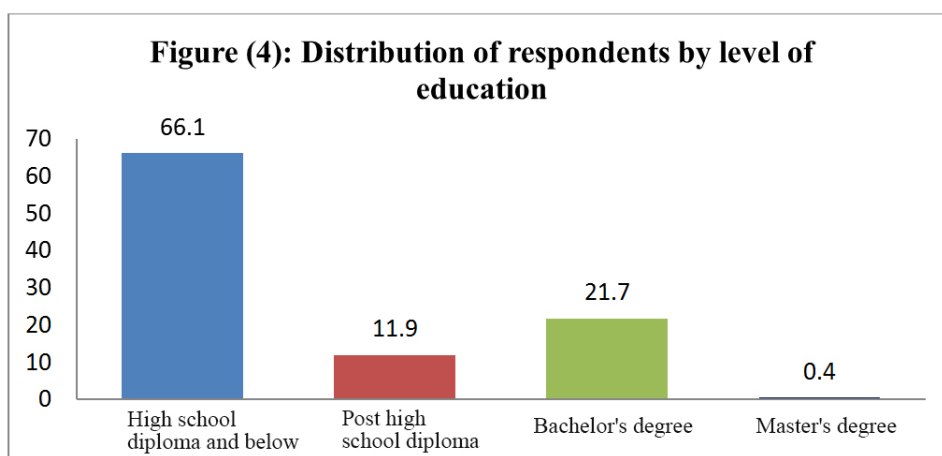
According to age, (77.6%) of the sample consisted of the (18-40 years) age group because this age group is active in public affairs and has multiple relationships at a personal level and work activity and relations, which may sometimes turn into cases leading to detention. Remarkably, (10.1%) of the sample consisted of individuals below 18 years of age, possibly due to the nature of the conflict, especially with the multiple parties that detain citizens, ranging from official entities to uncontrolled armed militias. This also includes the increasing rates of child recruitment during the current conflict in Yemen according to international and UN reports⁽⁴¹⁾. Figure (3) shows the distribution of respondents by age groups:



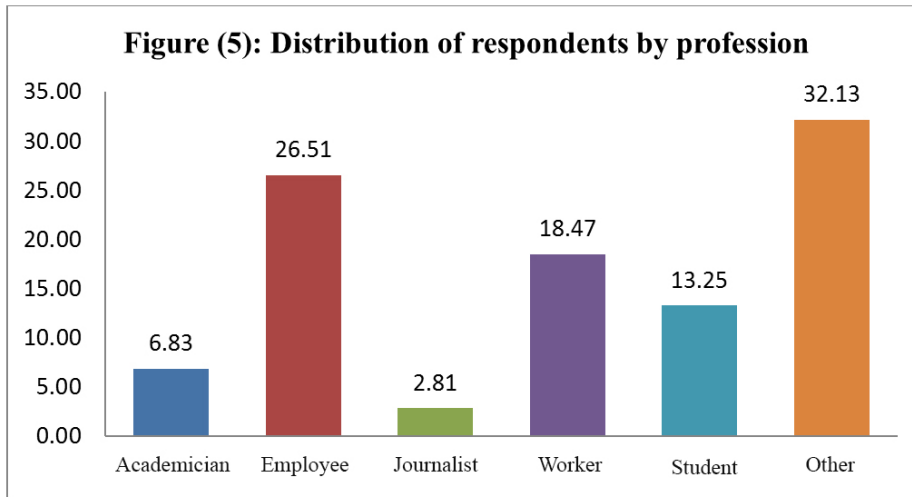
At the level of educational qualifications, those who attended high school and lower grades were arrested more than other people with different educational levels, constituting (66.1%) of the total sample, followed by (21.7%) of respondents holding a (bachelor's degree). If we were to compare age and the level of education associated with it, this is an indication of the low level of education associated with the rate of detention, although Figure (3) indicates

41 UNICEF report "Falling into Oblivion, Yemen's Children" indicates that (1,572 children) were recruited by parties to the conflict in Yemen during the first two years of the ongoing war (2015-2016).

that this age group constitutes (10.1%) and represents individuals below the age of 18, the age at which individuals often obtain a high school diploma, while most of the detainees are between the ages of (18-40), meaning the age after high school and university at least. Another factor is the high rates of illiteracy in Yemen and the low enrollment rates in higher education in general, which reduces the level of awareness of the law and the ability to defend the rights of this group less compared with those who have a higher education. This may be a factor in the rise of detainees among them.



In terms of professions, government employees as a functional group constituted higher rates of detainees compared with other occupational categories of detainees. They represented (26.51%) of the sample. Different professions represented (32.13%) of the sample, but the majority of them were either unemployed or drivers. The detention of drivers may be the result of their movement between areas under the control of different parties to the current conflict and crossing the cross-lines between the parties by virtue of the nature of their work. It is also noteworthy that (6.83%) of the respondents work in academic jobs, although only one of them holds a master's degree. This means that many bachelor holders who work in academic positions are subjected to detention, despite their low number compared to other professions. Media professionals also come in an advanced position among the occupational groups subjected to detention. They constitute (2.81%) of the total sample, despite their low number compared to other professions, as shown in Figure (5).



Actions Taken with Detainees prior to their Detention in Places of Detention

First: Actions Taken with Detainees prior to their Detention at the Level of Yemen

Article (65) of the Code of Criminal Procedure stipulates that “The Summons shall be based on a written order in duplicate which shall include the name of the person being ordered to attend, his residence, occupation, the purpose for the Summons, date of issue of the Summons, the date of attendance and the signature of the official ordering the attendance and the official stamp.” Article (66) of code states that “The Summons is notified by the “Summons” personnel or the Police or any other public authority personnel; a copy of the Summons shall be handed to the person for whom the summons is intended, if this is not possible, then it shall be handed to anyone residing with the person being summoned, among his relatives, in-laws, or dependents; the recipient shall sign the original of the Summons. If none of those mentioned could be found, or if they refused to sign the copy of the Summons it shall be handed over after having obtained the signature of two witnesses on the original indicating accordingly to the Manager of the Police Precinct in the area of residence of the person for whom the Summons is

intended, or to the “Elder” of the village.”⁽⁴²⁾

Despite these clear legal provisions to summon any individual wanted by the law enforcement authorities, only (18.8%) of the detainees included in the study sample received a summons to appear before the official authorities before their arrest, while (81.2%), i.e. the vast majority did not receive a summons, but were arrested directly. Furthermore, (84.5%) of them were arrested without an arrest warrant, compared to (15.5%) who were arrested with an arrest warrant, or restraint orders issued by the competent authorities.

Article (72) of the same code stipulates that “The order for the arrest shall be written and signed by its issuer; the order may be verbal, but it shall be executed in the presence of the ordering official. The arrests in the other cases are the responsibilities of the arresting official⁽⁴³⁾.” However, (50.2%) of the respondents were arrested without an arrest order, and moreover, (33.2%) of the respondents were arrested by unknown persons who did not identify themselves, while (40.8%) were arrested outside working hours, including (48.4%) of whom were arrested in their workplace and their homes, and (52.3%) were arrested elsewhere.

Article (73) of the Code of Criminal Procedure also stipulates that “The person being arrested shall immediately be informed of the reasons for the arrest; he is entitled to look at the order for his arrest and he has the right to contact anyone he feels he shall notify of the case; he is also entitled to seek the assistance of an attorney. He shall also be quickly notified of the charge he is confronted with, accordingly.” Article (77) of the same code stipulates that “When anyone is arrested for any reason, anyone selected by the person so arrested must be notified immediately of the arrest; this is also the case whenever every judicial order is issued for the continuation of the detention of the person. If the selection could not be made by the detainee, then his relatives or anyone who may be concerned shall be notified⁽⁴⁴⁾.” Nevertheless, (55.2%) of the sample were not allowed to inform their families or friends about their arrest, compared to (44.8%) who were

42 Code of Criminal Procedure of the Republic of Yemen, op. cit.

43 Op. cit.

44 Op. cit.

allowed to do so, and (53.4%) of the respondents were not notified of the reason for their arrest at the time of arrest, while (46.6%) were notified of reason for their arrest at the time of arrest.

Failure to allow more than half of the sample (53.4%) to report their arrest to their families or relatives/friends is considered as an enforced disappearance and other offenses against detainees. In addition, it goes against Yemeni legislation and clearly violates article (17) of the International Convention for the Protection of All Persons from Enforced Disappearance adopted by the General Assembly of the United Nations in its resolution (61/177) dated (20/12/2006), with its various items which include:

1. “No one shall be held in secret detention.
2. Without prejudice to other international obligations of the State Party with regard to the deprivation of liberty, each State Party shall, in its legislation:
 - a) Establish the conditions under which orders of deprivation of liberty may be given;
 - b) Indicate those authorities authorized to order the deprivation of liberty;
 - c) Guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty;
 - d) Guarantee that any person deprived of liberty shall be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law;
 - e) Guarantee access by the competent and legally authorized authorities and institutions to the places where persons are deprived of liberty, if necessary with prior authorization from a judicial authority;
 - f) Guarantee that any person deprived of liberty or, in the case of a

suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, shall, in all circumstances, be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful.

3. Each State Party shall assure the compilation and maintenance of one or more up-to-date official registers and/or records of persons deprived of liberty, which shall be made promptly available, upon request, to any judicial or other competent authority or institution authorized for that purpose by the law of the State Party concerned or any relevant international legal instrument to which the State concerned is a party. The information contained therein shall include, as a minimum:

- a) The identity of the person deprived of liberty;
- b) The date, time and place where the person was deprived of liberty and the identity of the authority that deprived the person of liberty;
- c) The authority that ordered the deprivation of liberty and the grounds for the deprivation of liberty;
- d) The authority responsible for supervising the deprivation of liberty;
- e) The place of deprivation of liberty, the date and time of admission to the place of deprivation of liberty and the authority responsible for the place of deprivation of liberty;
- f) Elements relating to the state of health of the person deprived of liberty;
- g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains;
- h) The date and time of release or transfer to another place of detention,

the destination and the authority responsible for the transfer.”⁽⁴⁵⁾

The study showed that (64.6%) of respondents were registered in official registers when they were placed in places of detention, which is high compared to those who were not registered (33.6%), but at the same time, it's still a low number given its importance, because registration is one of the explicit legal proceedings, which includes important information, such as the nature of the charge against the detainee.

These indicators showcase that the places of detention and those who are responsible for them are not keen to respect the provisions of the law, with article (106) of the code of criminal procedure stipulating that “The Police Precinct Officer-in-Charge shall record all cases of arrest and enforcement which are handled by the precinct in a special record which would give the details of the name; position of the detaining officer or the enforcement officer, the method, the date, the hour, the reason and the end of the arrest. A daily copy of the record of arrests and enforcement shall be presented to the General Prosecution, on an immediate basis.”⁽⁴⁶⁾

Consequently, the failure to register a detainee in official records is in clear violation of article (106) of the Code of Criminal Procedure.

In the same context, (65%) of the respondents were notified of the reason for their arrest after they arrived at the police stations/places of detention, which is very close to the percentage of those whose names have been placed in official records, meaning that there is a direct link between informing detainees of the reasons for their detention and the documentation of their cases in official records. However, (24.5%) of the respondents said that they were not notified at all about of the reasons for their arrest, a small percentage compared to (75.5%) who were notified of the reasons for their arrest at various stages, but it still remains high in relation to the type and legal nature of the case.

45 United Nations, The International Convention for the Protection of All Persons from Enforced Disappearance, <https://www.ohchr.org/AR/HRBodies/CED/Pages/ConventionCED.aspx>

46 Code of Criminal Procedure, op. cit.

These indications also contradict the text of Article (8) of the Prisons Regulation Act, which stipulates that “No person shall be imprisoned or accepted in prison without the executive version of the judicial verdict signed by the competent judge or without a warrant in writing on the specialized form signed by the competent public prosecutor and stamped with an official stamp bearing the State emblem of that authority. The prison administration must notify the prisoner’s family of his whereabouts, and should notify him in case he is transferred to another prison.”⁽⁴⁷⁾

Rule (7) of the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, also stipulates that “No person shall be received in a prison without a valid commitment order. The following information shall be entered in the prisoner file management system upon admission of every prisoner:

- a) Precise information enabling determination of his or her unique identity, respecting his or her self-perceived gender;
- b) The reasons for his or her commitment and the responsible authority, in addition to the date, time and place of arrest;
- c) The day and hour of his or her admission and release as well as of any transfer; and emergency contact details and information on the prisoner’s next of kin⁽⁴⁸⁾“.

Although freedom of movement is a fundamental human right⁽⁴⁹⁾, several detention cases were documented at a number of checkpoints belonging to parties to the conflict in Yemen⁽⁵⁰⁾.

The study showed that some people were detained at checkpoints simply to prevent them from traveling between one Yemeni region and another, most notably at checkpoints between the governorates of Dhamar and Al Bayda, through

47 Prisons Regulation Act in Yemen, op. cit.

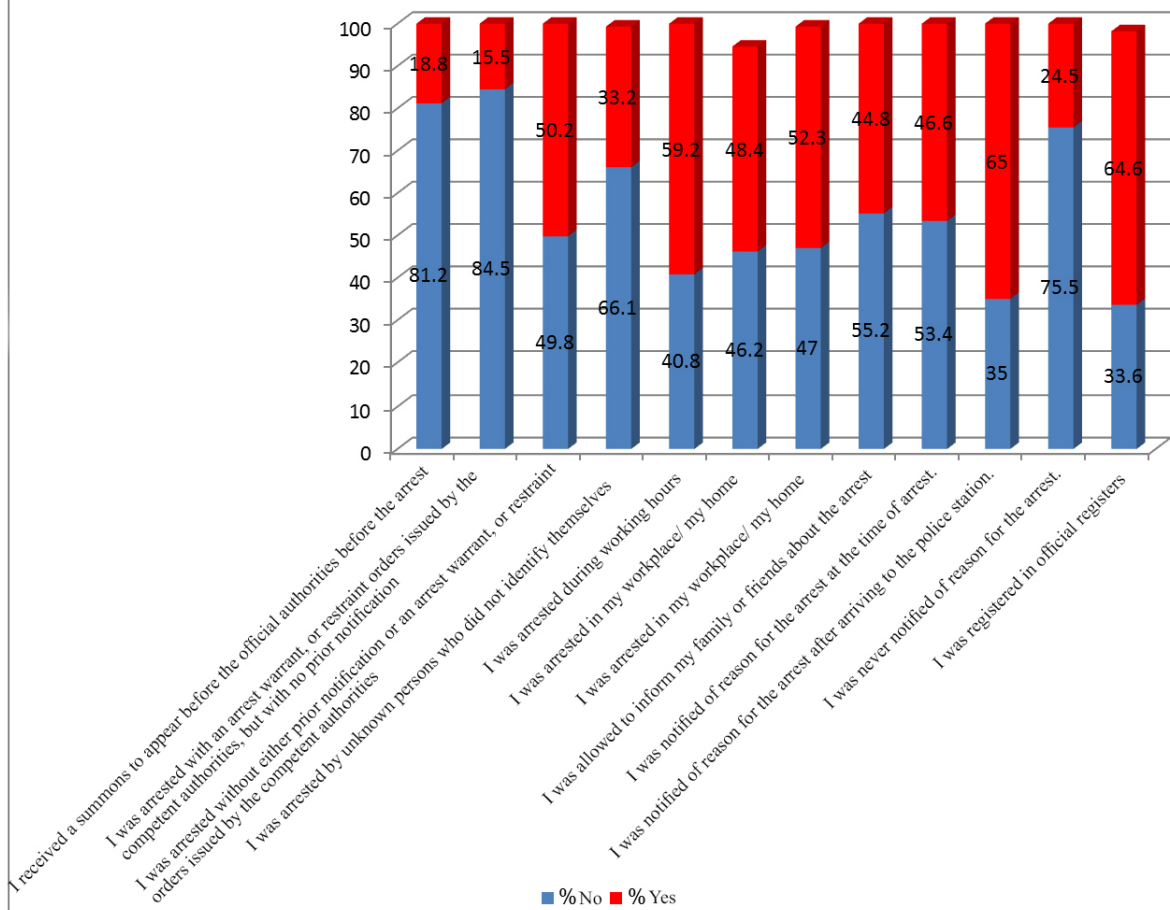
48 United Nations Rules for the Treatment of Prisoners, op. cit.

49 Sivan Pakrad Masrob, Freedom of Movement, Al-Rafidine Journal of Rights, No. 42, 2009, p. 245.

50 Mwatana, Withering Life: The Situation of Human Rights in Yemen 2018, Part 3, Section 4: Movement, <http://mwatana.org/withering-life/part-three/section4/>.

which the alternative route to travel between Sana'a, Ma'rib and Hadhramaut passes, after the movement stopped on the main road between Sana'a and those governorates as a result of the war.

Figure (6): Actions taken with detainees prior to their detention in places of detention



Second: Actions Taken with Detainees prior to their Detention at the Level of Governorates

Taiz governorate topped all the governorates in the study in not notifying detainees in writing to present themselves to the competent authority before their arrest, with a percentage of (96.8%) of the governorate sample, compared to (3.2%) who received advance notices to present themselves to the competent authorities before their arrest. Ma'rib Governorate followed with (95.7%) of the sample in the governorate, while Al-Hudaydah came at the bottom of the list with the highest percentage of written notification when arresting detainees, which amounted to (35.9%) of the sample. Ibb came immediately after with (25.6%) of the sample at the governorate level receiving advance notices to present themselves to the competent authorities before their arrest. This may be due to the fact that the war started in both Taiz and Ma'rib in 2015, while the fighting started at later time in Al-Hudaydah and Ibb is still not involved in the direct fighting fronts.

Aden also ranked first among the governorates included in the study where individuals assigned to arrest detainees had arrest warrants or judicial orders upon arrest. They constituted (34.5%) of respondents at the governorate level, followed by Al-Hudaydah governorate with (30.8%). However, the governorates with the lowest percentage of individuals assigned to arrest detainees with arrest warrants or judicial prosecution orders were Ma'rib and Hadhramaut, that have the same percentage of (100%), meaning the arrest of detainees in the two governorates took place without warrants or orders. Nevertheless, there were advance notices for some detainees (before and not during the execution of the arrest) with a percentage of (37.2%) in Taiz, and (17.4%) in Ma'rib, but the arrest warrants or judicial orders were not presented in all arrests as explained above. The lack of an arrest warrant or judicial order for arresting detainees in Hadhramaut governorate may have been due to the fact that it fell under the control of al-Qaeda for one year (April 2015-April 2016). The study showed that approximately (11%) of respondents were detained by Al-Qaeda in Al Mukalla on charges of cooperating with the security services, and that about (31%) of the respondents were arrested

by the security services and the Hadrami elite after al-Qaeda was removed from Al Mukalla on charges of collaborating or communicating with al-Qaeda.

In terms of the nature of the persons who carried out the arrest procedures and the extent of their commitment to present themselves to the targeted people during arrests and to follow arrest procedures in accordance with the Code of Criminal Procedure, meaning that for the targeted people, unknown persons carried out the arrests, Amanat Al-Asemah topped the list of governorates that did not commit to this legal procedure with (50%) of the respondents in the governorate reporting that they were arrested by unidentified persons who did not identify themselves when arresting detainees. Ibb followed with (34.9%) of the governorate's respondents saying that they were arrested by unidentified persons who did not identify themselves at the time of arrest. Furthermore, in Aden, (75.9%) of officials carrying out arrests identified themselves in comparison with (24.1%) who did not identify themselves. Taiz governorate followed with (25.8%) of those responsible for arrests not identifying themselves when the arrest was carried out in comparison with (75.9%) who did identify themselves when carrying out the arrests⁽⁵¹⁾.

With regard to timing of arrests, (90.9%) of the arrests in Hadhramaut governorate were carried out during the official working hours, followed by Ibb governorate with (76.7%), while Taiz had the lowest percentage with (67.7%) of arrests occurring outside working hours. Only (39.1%) of arrests were made during working hours.

Aden topped the governorates included in the study in terms of arrests occurring in houses or workplaces with a percentage of (86.2%), while Hadhramaut had the lowest percentage, which amounted to (34.1%).

⁵¹ The fact that some people did not identify themselves while arresting their targets, and in a high percentage in Amanat Al-Asemah, might be due to the period of dual power following the entry of Ansar Allah group (Houthis) in September 2014 that appointed supervisors from their group in government institutions, including the security services, called "Revolutionary Committees". This also persisted after their Constitutional Declaration in February 2015, and until they announced the formation of the Government of National Security, in partnership with the Popular Congress Party in July 2016, where there was a duplication of powers between state officials and the group's supervisors of those institutions, before the supervisors were absorbed into the formal functional structure in the areas under their powers - the researcher.

In addition, the governorate of Hadhramaut came at the forefront of the governorates where (86.4%) of the persons targeted by arrest procedures were not allowed to inform their families or friends, followed by Ma'rib with (82.6%). In Taiz, (87.1%) of the targeted respondents were allowed to inform their families or friends when arrest procedures were carried out, followed by Aden Governorate with (58.6%). These results are consistent with the previous results that showed that Hadhramaut and Ma'rib were the two governorates with the highest percentage of non-commitment to bringing an arrest warrant or a judicial order when arresting detainees.

In Taiz, (67.7%) of respondents indicated that they were notified of the reasons for their arrest, followed by Aden with (62.1%), while Hadhramaut had the lowest percentage of (13.6%) of informing respondents of the reasons for their arrest. This means that (86.4%) of the respondents in the governorate were not informed of the reasons for their arrest, but (79.5%) of them were notified of the reasons for their arrest when they arrived at places of detention and police stations.

Furthermore, (45.6%) of detainees in Amanat El-Asemah were not informed at all of the reasons for their arrest, followed by Ma'rib governorate with (30.4%), whereas in other governorates, the detainees were notified of the reasons for their arrest at various stages of the detention process, if it was not done when they were arrested.

(84.1%) of respondents stated that the data of detainees was recorded in the records of police stations and places of detention, followed by Al-Hudaydah governorate with (74.4%), while Ibb governorate had the lowest percentage of commitment to recording the data of detainees in the records of police stations and places of detention, with a percentage of (37.2%) only.

Nature of the Charges against Detainees

First: Nature of the Charges against Detainees at the Level of Yemen

In general, accusations against detainees varied widely between civil, criminal and political cases, but it was striking that (33.6%) of respondents said that their

detention was carried out without any clear charge at the time of arrest, which is a high percentage because it is linked to a fundamental human right, namely the right to freedom of movement and mobility. All national and international legislation and charters stipulate that restriction of freedom of individuals and sanctions entailing the deprivation of liberty can't occur without clear legal justification. Article 48 (a) of the Yemeni Constitution states: "The state shall guarantee to its citizens their personal freedom; preserve their dignity and their security. The law shall define the cases in which citizens' freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law."⁽⁵²⁾ "Article (7) of the Code of Criminal Procedure stipulates that "Arrests may not be made except in connection with acts punishable by law; must be based on due process of law", and that the General Prosecution "shall immediately release any person whose freedom has been restricted in violation of this law or who has been placed under provisional arrest beyond the period authorized by the law, or by sentence or by a judge's order."⁽⁵³⁾

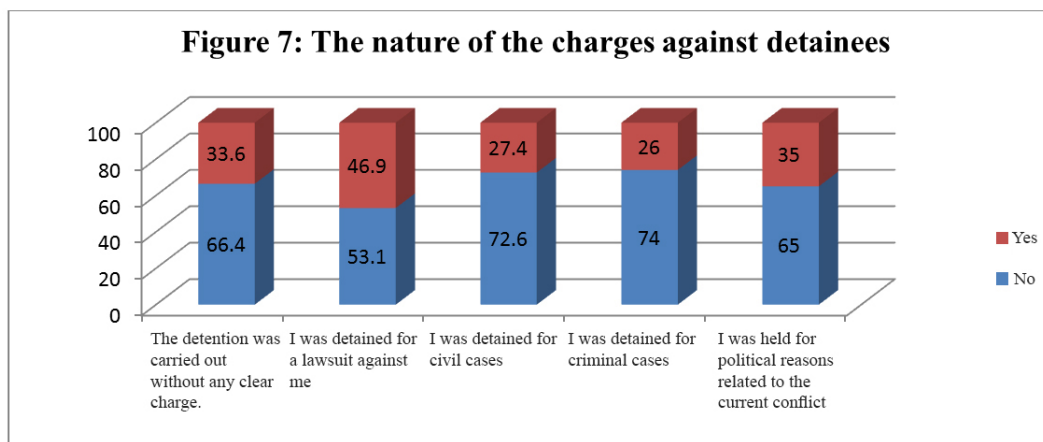
Article (11) of the same law reinforced the above-mentioned article by stating that "Personal freedom is guaranteed; no citizen may be accused of having committed a crime, nor may his freedom be restricted unless by orders from the concerned authorities in accordance with what is provided by this law, accordingly."⁽⁵⁴⁾

While (27.4%) of the respondents were detained for civil cases and (26%) for criminal cases, (35%) said they were held for political reasons related to the current conflict, meaning those detained for reasons related to the conflict outnumbered those held in civil or criminal cases, a very serious indicator of the impact of the current conflict on civilians not involved in the conflict and on their freedoms and lives.

52 Constitution of the Republic of Yemen (the Constitution of the Republic of Yemen was approved after a referendum following the reunification of the two parts of Yemen in 1990, and was amended three times in 1994, in 2001 and in 2009)

53 Yemen Code of Criminal Procedure, op. Cit.

54 Op. Cit.



Second: Nature of the Charges against Detainees at the Level of Governorates

With regard to the nature of the charges against detainees, in the different stages of detention (during and after their arrest), Ma'rib recorded the highest percentage, amounting to (47.8%) of detainees arrested without any charge, followed by Amanat El-Asemah with (45.6%). Aden and Hadhramaut recorded the lowest percentages of detainees held without charge, with a percentage of (13.8%) and (18.2%) respectively.

Additionally, Aden also topped the governorates, with (65.5%) of the charges against the detainees being based on the claims of another party, followed by Ibb governorate with (62.8%), while Taiz recorded the lowest percentage of charges brought against detainees based on claims from another party, with only (9.7%).

With regard to detention on charges of violating or attacking the rights or lives of others, Al-Hudaydah came first with (64.1%), and Ma'rib came last with only (4.3%).

Detention based on political reasons related to the current conflict in Yemen before and during the implementation of this study, reached a high percentage, as (35%) of respondents were detained for reasons related to the current conflict, which is particularly important compared to other reasons for detention / charges against detainees, because many of the detainees reported that false accusations had been filed or other people filed lawsuits against them to use them as pretexts

to arrest them, but the real reason was related to the conflict.

Taiz recorded the highest percentage, with (71%) of the respondents saying that the charges against them that led to their detention were political reasons related to the current conflict. This may be due to the fact that Taiz was an open fighting front for a long period, in which multiple parties controlled the land and the cross-lines between them. It was followed by Amanat El-Asemah with (39.7%). Ma'rib ranked in the third place and was slightly ahead of Amanat El-Asemah with (39.1%) while Hadhramaut ranked fourth in terms of detention for reasons related to the current conflict in Yemen with (38.6%), followed by Ibb (32.6%), and Aden (17.2%).

Al-Hudaydah came last with the lowest percentage (7.7%) of detentions for reasons related to the current conflict.

For the purposes of scientific integrity, it is required to clarify that the results in Al-Hudaydah governorate may be largely due to the fact that the field researcher in the governorate targeted detainees who have not yet been released, and most of the questionnaire forms for detainees were filled in the public prosecution facilities and the courts to which they are taken from their places of detention and that usually handle ordinary civil, criminal, or other cases. The field researcher was able to reach detainees who have not been released yet as a result of his work in the field of law, while in other governorates former detainees were targeted because of the difficulty of accessing detainees that were still in official places of detention.

Extent of Legal Protection Provided to Detainees during their Detention

First: Extent of Legal Protection Provided to Detainees during their Detention at the Level of Yemen

(69.7%) of all respondents reported that they were held in places of detention before any investigation. Holding a person in a place of detention and restricting their freedom of movement is a form of punishment that contradicts the principle of

criminal legality, which states that criminal offences and penalties are determined only by the law, and with the provisions of Articles (47) and (48) of the Yemeni Constitution. Article (47) stipulates that “Criminal liability is personal. No crime or punishment shall be undertaken without a provision as defined by the law. The accused is innocent until proven guilty by a final judicial sentence, and no law may be enacted to put a person to trial for acts committed retroactively.” Article (48) stipulates that: “The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizens’ freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.”⁽⁵⁵⁾

It also contradicts the provisions of Article (8) of the Prisons Regulation Act, which stipulates that “No person shall be imprisoned or accepted in prison without the executive version of the judicial verdict signed by the competent judge or without a warrant in writing on the specialized form signed by the competent public prosecutor and stamped with an official stamp bearing the State emblem of that authority.”⁽⁵⁶⁾

The study showed that there is a general tendency to interrogate detainees without the presence of lawyers to defend them. The majority of the respondents (91.7%) said that they were not allowed to call a lawyer before the investigation began, compared to (8.3%) who were allowed. (89.2%) were not allowed to refuse to answer without the presence of a lawyer, although this is their right, compared to (10.8%) who were granted this right. However, (32.1%) of respondents said that they did not want to call lawyers to defend them, but (67.9%) were willing to call lawyers to defend them and were unable to for unspecified reasons. However, one of the obvious reasons is that (45.8%) of respondents did not have the ability to call lawyers to defend them, not because they didn’t want to but because they couldn’t. So the absence of a lawyer was not always due to those responsible for the places of detention as was understood by the previous responses of the respondents in this axis, even though the Code of Criminal Procedure stipulated

55 Constitution of the Republic of Yemen, op. Cit.

56 Prisons Regulation Act, op.cit.

in Article (9) the following:

1. “The right of defense is guaranteed and the accused is entitled to carry on his own defense, **and** he is entitled to be assisted by a representative to defend him, in any of the stages of the procedures of handling criminal cases, including the investigation period. The government must provide for the poor and hard pressed a defense lawyer from the accredited lawyers. The Council of Ministers, based on the recommendations of the Minister of Justice shall issue procedural rules for the regulation of the provision of defense lawyers for the poor and misfortunate.
2. The Judicial Enforcement Officers, the General Prosecution and the Courts must notify the defendant or his rights with regards to charges he is confronted with and the methods of proof [of his innocence] available to him, and shall all work to safeguard his personal and financial rights⁽⁵⁷⁾.

In other words, the inability of detainees to have access to a lawyer to defend them for financial or other reasons is not a sufficient reason to prevent them from practicing this right, but the competent authorities must provide them with a lawyer.

The study also showed that more than (28%) of the respondents were transferred to unofficial places of detention, some in basements (underground), private houses and other government facilities, as shown in tables (3) and (4).

Table (3) shows the types of unofficial places of detention

Places of Detention	Recurrence	%
Private building	16	5.8
Private villa	5	1.8
Government building	41	14.8
Compound	3	1.1
School	1	.4
Sports stadium	3	1.1
Total	69	24.9

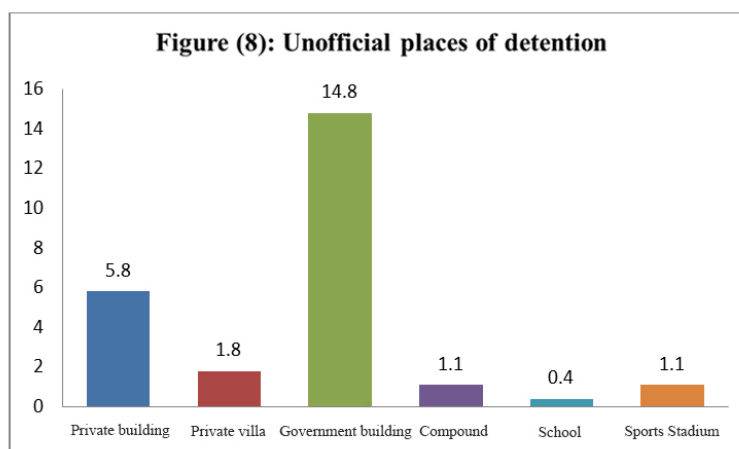
57 Code of Criminal Procedure, op. Cit.

Table (4) shows the types of other unofficial places of detention

Other Places of Detention	Recurrence	%
Highway	1	4%.
House	1	4%.
Bathroom	1	4%.
Shop	1	4%.
Super Market	1	4%.
Street	2	.8%
Kiosk in the market of Ibn Aboud	1	4%.
Al Saleh City	1	4%.
Total	9	3.3%

This is a very high percentage and a serious indicator of the extent of the violation of the rights of detainees, and the violation of explicit legal provisions in this regard, as the situation of detainees in unofficial places of detention and places not reserved for detention, violates the text of Article (187) of the Code of Criminal Procedure:

“A person’s freedom may not be restricted, nor may he be arrested, except in those places duly designated for this legally; the people responsible for these places may not admit anyone into them except through a warrant signed by the concerned authority; the arrested person shall not be kept beyond the period designated for the provisional arrest.”⁽⁵⁸⁾



58 Code of Criminal Procedure, op. Cit.

According to the responses of the respondents, the parties responsible for informal places of detention were distributed among most factions of the current conflict, and generally among the following forces:

- Ansar Allah armed group (Houthis);
- Emirati forces in Yemen;
- The Saudi-led military coalition in support of the authorities of President Hadi;
- AQAP;
- Resistance factions within forces loyal to the internationally recognized authorities and the Arab Coalition;
- Hadrami elite forces.

The study showed that (94.2%), i.e. the vast majority of the respondents included in the study sample were not transferred to the Public Prosecution within the 24 hours prescribed in paragraph (c) of constitutional article No. (48), which stipulates that “Any person temporarily apprehended on suspicion of committing a crime shall be presented in front of a court within a maximum of 24 hours from the time of his detention. The judge or Public Prosecutor shall inform the detained individual of the reason for his detention and questioning and shall enable the accused to state his defense and rebuttals. The court then gives a justified order for the release of the accused or for the extension of his detention. In any cases, the Prosecutor is not entitled to continue detention of the accused individual more than several days except with a judicial order. The law shall define the maximum period of custody.”⁽⁵⁹⁾ It contradicts the explicit constitutional provision, as well as Article (105) of the Code of Criminal Procedure: “The Judicial Enforcement Officers in the above cases shall listen to the statements of the suspect immediately and refer him with the Minutes of these statements to the General Prosecution within 24 hours. The General Prosecution must take action with regards to his case within the following 24 hours from the time this case was reviewed, or else

59 Constitution of the Republic of Yemen, op. Cit.

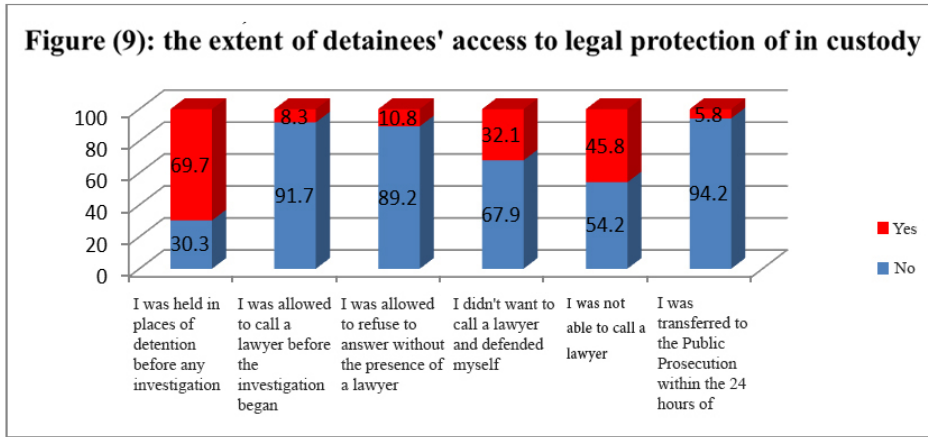
he must be released immediately.”⁽⁶⁰⁾

Based on the above, it is clear that the violation of the law pertaining to the referral of arrested/detained persons to the prosecution within 24 hours is in fact prevalent, with very few exceptions (5.8%). These practices are incompatible with article (3) of the Universal Declaration of Human Rights, which states: “Everyone has the right to life, liberty and security of person”⁽⁶¹⁾, and the provisions of Article (9) of the International Covenant on Civil and Political Rights, item 1: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”, item 2: “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him” and item 3: “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.”⁽⁶²⁾

60 Code of Criminal Procedure, op. Cit.

61 United Nations, Universal Declaration of Human Rights
http://www.un.org/ar/udhrbook/pdf/UNH_AR_TXT.pdf

62 International Covenant on Civil and Political Rights, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5a0d617b4>



Second: Extent of Legal Protection Provided to Detainees during their Detention at the Level of Governorates

At the level of governorates, the level of access of detainees to legal protection during detention varied considerably. Ibb ranked first at the level of governorates, with (90.7%) of detainees being held in places of detention before an interrogation, followed by Taiz governorate with (83.9%), while Amanat Al-Asemah had the lowest percentage (44.1%) of detainees held in places of detention before interrogation. With regard to allowing detainees to call lawyers before interrogation, Ma'rib was at the forefront of the governorates that did not abide by this right with a percentage of (100%), followed by the governorate of Hadhramaut with (97.7%), while Amanat Al-Asemah was ranked last with (79.4%). It also allowed (30.9%) of the respondents in Amanat Al-Asemah not to answer investigators except in the presence of the lawyer, followed by Ma'rib governorate, which allowed (8.7%) of the sample to answer investigators only in the presence of a lawyer. However, (100%) of detainees were deprived of this right in both Al-Hudaydah and Hadhramaut. It should be noted that (34.8%) of respondents in Ma'rib said that they did not want to call a lawyer, compared with (2.6%) of respondents in Al-Hudaydah. (87%) of respondents in Ma'rib clarified that they did not have the ability to call a lawyer to defend them and Ma'rib ranked first among the governorates in terms of the inability of detainees

to call lawyers to defend them, followed by Aden with (82.8%), although these detainees have the right to a lawyer to defend them even if they are unable to afford them, as the law requires the competent authorities to provide them, as noted above in Article (9) of the Code of Criminal Procedure.

While there appeared to be a general trend not to refer detainees to the prosecution within 24 hours of their detention, (100%) of respondents from Aden, Ibb and Ma'rib governorates said that they were not referred to the prosecution within 24 hours of their detention. This percentage dropped to (83.8%) in Amanat Al-Asemah in terms of not referring detainees to the prosecution within 24 hours, meaning that the governorate that complied the most with this legal provision only referred (16.2%) of respondents, an indication of the general trend of violation of legal provisions regarding the referral of defendants to the Public Prosecution within 24 hours, despite very minor exceptions in some governorates.

Reality of the Spatial Environment and Facilities of Places of Detention

First: Reality of the Spatial Environment and Facilities of Places of Detention at the Level of Yemen

“Measures depriving persons of their freedom must in no way, whatever the circumstances, be made more severe by treatment or material conditions of detention which undermine the dignity and the rights of the individual.”⁽⁶³⁾

“All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”⁽⁶⁴⁾

“For the construction of new prisons, the minimum floor space recommended is 5.4 m² per detainee, whether he is alone in the cell or shares it with another

63 Pier Giorgio Nembrini, *Water, Sanitation, Hygiene and Habitat in Prisons*, ICRC Publications, First Edition, 2009, Cairo, p. 10.

64 United Nations Rules for the Treatment of Prisoners, op. Cit.

person.”⁽⁶⁵⁾

Overcrowding in places of detention has a negative impact on detainees. “Overcrowding in prisons and substandard care for prisoners lead to physical and psychological damage to prisoners and frequent riots and security incidents.”⁽⁶⁶⁾

The spatial environment of places of detention is extremely important, as it affects the health of detainees and their right to sleep, health care and exercise, and when overcrowding is coupled with inadequate health and hygiene conditions, the risk of various communicable and non-communicable diseases increases. It is known that these diseases generally spread in crowded settings where there is lack of basic sanitary conditions, so it becomes difficult to avoid infection from one patient to another.

Therefore, a complete axis of the study questionnaire was devoted to knowing the reality of this environment in Yemen in terms of its capacity and its ability to provide adequate space for detainees, and the extent of its ventilation, lighting and hygiene conditions, in addition to the availability of water, electricity, sanitary materials and personal hygiene materials as described in the following paragraphs.

The present study has shown that there is a general phenomenon in Yemen, with places of detention not meeting the minimum principles and standards for the treatment of prisoners established by the United Nations, as a reference for all States in this regard.

(73.7%) of respondents said that the places of detention where they were placed were not large enough and that the detainees were not comfortable enough, compared to (18.1%) who said that they were large and sufficient for the detainees. (69.4%) said that lighting during the day in the places of detention where they were held was not good and (70%) considered that the lighting at night was not good. The percentage of respondents who strongly considered that

65 Op. Cit. P. 16

66 Fiona Mangan; Erica Gaston, Prisons in Yemen, op. Cit.

lighting in places of detention was not good at night was six times higher than the percentage of those who strongly agreed that nighttime lighting in places where they were held was good. (72.2%) stated that these places were not well ventilated. A very wide difference was found between (39%) of respondents who strongly rejected the fact that places of detention were well ventilated, compared to (2.2%) who strongly agreed that they were well ventilated, leading to an average of 18 cases of strong rejection for each case of strong approval.

These indicators strongly contradict a number of the United Nations Standard Minimum Rules for the Treatment of Prisoners, (known as the Nelson Mandela Rules), as amended at the South African Conference (2015), where rule (13) states:

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

Rule (14) stipulates the following:

“In all places where prisoners are required to live or work:

- a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
- b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.”⁽⁶⁷⁾

The study also showed that the places of detention in Yemen do not enjoy the minimum necessary level of sanitary conditions, appropriate to human dignity, according to the above-mentioned standards of the United Nations. (80.2%) of respondents confirmed that the places of detention where they were held were are not clean, and all of the sample respondents (strongly) did not agree that these

67 United Nations, Standard Minimum Rules for the Treatment of Prisoners, op. Cit.

place were clean, compared to 126 of them, i.e. (45.5%), who (strongly) refused to describe the places of detention as clean.

An overwhelming majority of the respondents, (77.3%) found no mattresses and no blankets in their places of detention, which contradicts rule (21) of the Nelson Mandela Rules for the Treatment of Prisoners: “Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.”⁽⁶⁸⁾

The cleanliness and adequacy of the toilets in places of detention were very poor, as (85.2%) of the sample strongly refused to consider them clean and adequate in the places where they were detained, compared to only (7.7%) who agreed/strongly agreed. (69.4%) of the respondents did not have access to clean water for washing in their places of detention, and (92.1%) did not have access to personal hygiene items such as soap and shaving tools in their places of detention, in contradiction of rules (15, 16, and 18) of the Nelson Mandela rules.

Rule (15) states that: “The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner”, while Rule (16) stipulates that “Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.”⁽⁶⁹⁾

Rule (18) stipulates the following:

1. “Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
2. In order that prisoners may maintain a good appearance compatible with

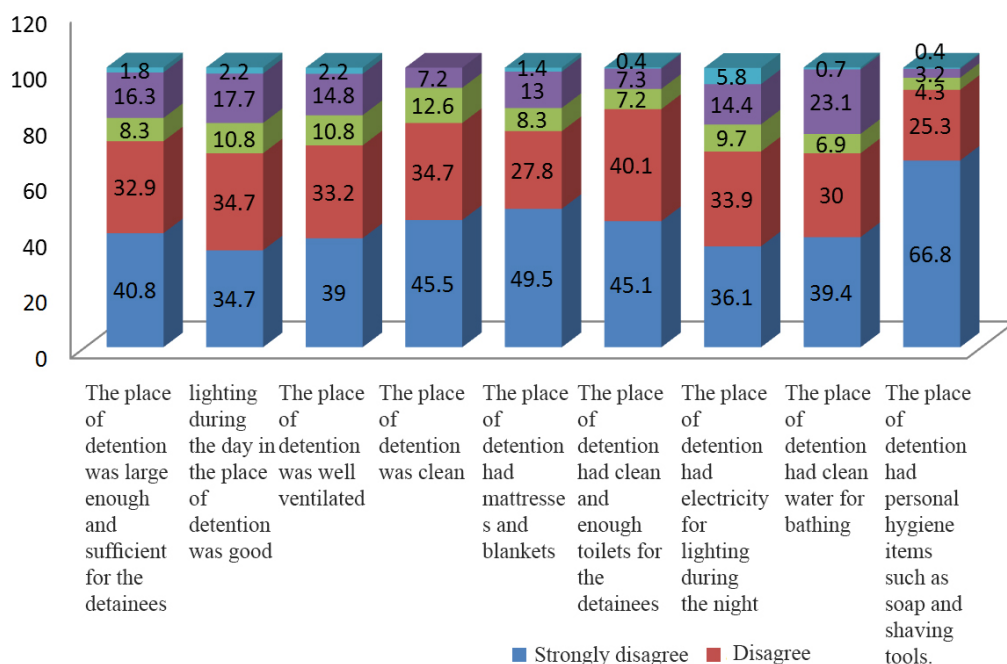
68 Op. Cit.

69 Op. Cit.

their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.”⁽⁷⁰⁾

In general, the indicators shown in the current study converge with the results of a previous study on the conditions of prisons in Yemen carried out during 2014, which included an assessment of central and reserve prisons through direct inspection of researchers. That study showed that the physical standards of prisons in Yemen are weak and inefficient, with buildings lacking adequate lighting, ventilation space, and overloaded sewage systems.⁽⁷¹⁾

Figure (10): Reality of spatial environment and facilities in places of detention



70 Op. Cit.

71 Fiona Mangani; Erica Gaston, Prisons in Yemen, op. Cit., p. 28

Second: Reality of the Spatial Environment and Facilities of Places of Detention at the Level of Governorates

Although there is a difference between the responses of the sample of the study from one governorate to another, the indicators of dissatisfaction with the environment of places of detention in these governorates constitute the general trend, and there are hardly any exceptions to this trend, but its severity varies from one governorate to another in different degrees.

The highest approval rate pertaining to wide and comfortable places of detention didn't exceed (27.9%) of the sample in Ibb governorate and is the highest approval rate among the governorates included in the study, followed by Amanat Al-Asemah with (26.5%).

The highest percentage of disapproval that places of detention are wide and comfortable was recorded in Al-Hudaydah governorate with (92.3%) of the governorate sample, followed by Hadhramaut governorate with (91.3%), mainly because Al-Hudaydah and Hadhramaut governorates are very hot, especially in summer⁽⁷²⁾. With the scarcity of electric power resources in places of detention and the frequent interruption, if electricity is available, as will be seen in upcoming paragraphs, this overcrowding increases the suffering of detainees more than in the case of overcrowding in low-temperature or temperate governorates.

The lighting in places of detention during the day did not satisfy a large percentage of respondents at the level of each governorate, and reached the highest degree of approval of being good in the governorate of Ma'rib with (39.1%), but the number remains below average, an indication that the design of places of detention does not take into account the conditions of providing lighting from natural sources during daytime.

Al-Hudaydah Governorate registered the highest rate of disapproval concerning the availability of good lighting during daytime in places of detention with (87.2%).

72 According to the Yemen Civil Aviation and Meteorology Authority website, the summer temperature in the Red Sea on the West coast (Al-Hudaydah) and the Arabian Sea south coast (Hadhramaut) is 45 degrees Celsius. (yms.gov.ye)

In Al-Hudaydah governorate, the highest percentage of disapproval of good ventilation in places of detention was (89.7%). Ma'rib came as the highest governorate where respondents said that there is good ventilation in places of detention with (39.1%), which is also below the average. Disapproval is still prevalent in all governorates.

Al-Hudaydah also came first in terms of disagreement that the places of detention are clean with (94.9%) of the governorate sample, followed by Taiz governorate with (93.5%), while the highest approval rate of the cleanliness of places of detention was recorded in Aden governorate with (20.7%), compared to (72.4%) of the respondents in the same governorate who expressed their disapproval of the cleanliness of places of detention. The percentage of respondents who strongly approved of the cleanliness of these places is 0 in all of the governorates.

All respondents in Al-Hudaydah Governorate (100%) said that they did not find mattresses and blankets in places of detention. It is the governorate with the highest percentage, followed by Ibb governorate with (88.3%), while the highest rate for the presence of mattresses and blankets in places of detention was recorded in Aden governorate with (58.6%). It is the only positive exception that exceeded the average in the approval indicators regarding the environment of places of detention and the provision of mattresses and blankets at the governorate level.

Additionally, all of the respondents in Al-Hudaydah governorate (100%) (strongly) did not agree that toilets were clean in places of detention in the governorate, followed by Ma'rib governorate with (95.4%). The highest approval rate did not exceed (17.2%) of the sample and was recorded in Aden Governorate.

The governorate of Hadhramaut recorded the highest percentage of disapproval for the existence of electricity to illuminate places of detention at night, with (90.9%) of the sample of the governorate, followed by Aden Governorate with (86.2%), while Ma'rib governorate recorded the only exception with an approval rate higher than the average and (56.5%) of the respondents in the governorate confirmed that there was electricity to light places of detention at night, followed

by Amanat Al-Asemah with (28.9%), which is below the average.

In terms of the availability of clean water for washing in places of detention, (100%) of the respondents in Hadhramaut governorate stated that there wasn't clean water for washing in places of detention, followed by Al-Hudaydah governorate with (87.2%). The highest approval rate of clean water for washing in places of detention was registered in Ibb governorate with (48.8%) and was closely followed by Aden governorate with (48.3%).

With regard to the provision of personal hygiene items such as soap and shaving tools in places of detention, all respondents (100%) in Ma'rib, Al-Hudaydah and Hadhramaut governorates disagreed with the provision of these tools in the places of detention where they were held. The highest approval rate concerning the provision of these items was recorded in Taiz governorate, however, the rate didn't exceed (9.7%) of the respondents, which is a very low number.

Extent of Physical and Moral Rights Provided to Detainees

First: Extent of Physical and Moral Rights Provided to Detainees at the Level of Yemen

The results of the present study showed a general tendency to not guarantee the physical and moral rights of detainees in places of detention in Yemen or even the minimum necessary needs as the following paragraphs illustrate.

Cultural rights came at the forefront of the absent rights in places of detention. (94.6%) of the respondents never received reading books or even writing papers when they needed them. This trend registered various rates that were always higher in comparison with the rates of other rights. Only (19.9%) of the respondents received sufficient periods of sleep while in detention, (14.8%) were physically assaulted by other detainees on an ongoing basis and (9%) were physically attacked from time to time.

At the level of essential food and drink needs, (64.6%) of the respondents did not receive their food or drinking needs, whether paid by them or free of charge,

while only (7.6%) received their needs. Only (11.2%) received regular free meals while in detention, compared to (57.8%) of respondents who did not receive any free meal during their detention.

With regard to the health rights of detainees, (84.5%) of the respondents were unable to call a doctor when needed during their detention, while (82.7%) were not regularly exposed to sunshine, compared to (1.1%) only who were exposed to sunlight regularly while in detention, a shocking rate.

This unhealthy environment is incompatible with human rights, and the Yemeni Act regulating prisons, which states in article (23) that “The prison management shall ensure compliance with public health regulations in the prison and shall provide treatment, health care and preventive health services to prisoners and employ specialized physicians in coordination with the Ministry of Health.”⁽⁷³⁾

Health care and preventive care call for a healthy spatial environment in the first place, because prisoners have inalienable rights granted by international treaties and covenants, have a right to health care, and certainly have the right not to get sick in prison.⁽⁷⁴⁾

The Universal Declaration of Human Rights recognizes the right to “adequate conditions of health and well-being” for all. In addition, the International Covenant on Economic, Social and Cultural Rights states that prisoners have the right to the highest attainable standard of physical and mental health, and the Standard Minimum Rules for the Treatment of Prisoners regulate their health care.⁽⁷⁵⁾

Article (10/1) of the International Covenant on Civil and Political Rights states that: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”⁽⁷⁶⁾

Since prisoners cannot protect themselves in conditions of detention, the

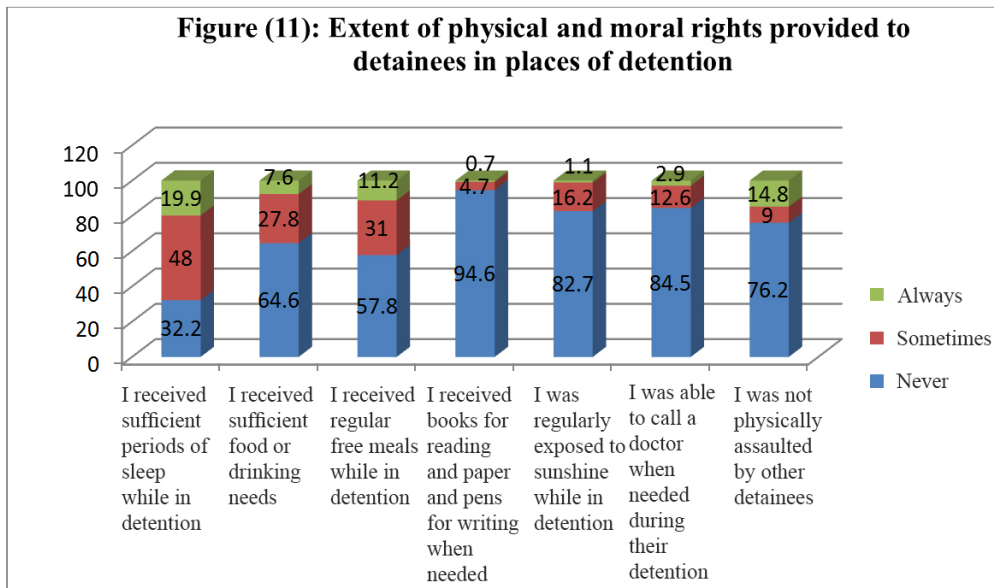
73 Prisons Regulation Act, op.cit.

74 Hernán Reyes, Health and human rights in prisons, 2003, <https://www.icrc.org/ara/resources/documents/misc/5pbgsx.htm>

75 Op. Cit.

76 International Covenant on Civil and Political Rights, op. Cit.

responsibility for their health protection rests with the State/authority responsible for the place of detention. Human rights instruments call for prisoners to have access to health care equivalent to at least the care available to those outside the prison, since inmates are probably already in poor health when they enter prison, and because the inadequate conditions worsen their health, there is often a need for greater health care and treatment in prison than in outside society.⁽⁷⁷⁾



Given the sensitivity and importance of providing physical and moral rights to detainees, the researcher was keen to determine whether there was a relationship between the nature of the profession of detainees and the extent of the provision of physical and moral rights to them, in addition to identifying if there is a relationship between the nature of the charges against detainees and the extent of physical and moral rights provided to them. Based on the variance analysis, the results were as follows:

1- Relationship between the nature of the profession of detainees and the extent of physical and moral rights provided to them

77 Hernán Reyes, *Health and human rights in prisons*, op. Cit.

The results of the F test analysis showed that there are differences in the averages as shown in Table (5), but these differences have no statistical indication because the level of indication is higher than 5%, meaning that the nature of the profession of the detainees did not affect the extent of physical and moral rights provided.

Table (5): Relationship between the nature of the profession of detainees and the extent of physical and moral rights provided to them

		Size of the Sample	Average	Standard deviation	F Test	Indication Level
Extent of Physical and Moral Rights Provided to Detainees	Academic	17	1.3277	.29349	.862	.508
	Employee	66	1.3831	.30604		
	Journalist	7	1.5714	.45175		
	Worker	46	1.3727	.31512		
	Student	33	1.3550	.23179		
	Other	80	1.4071	.28125		
	Total	249	1.3867	.29445		

2- Relationship between the nature of the charges against detainees and the extent of physical and moral rights provided to them

Analysis of the T test showed that the level of indication as shown in Table (6) was (.226). Table (7) shows the results of the averages of the results of (Yes) and (No) answers. Low differences in the averages between the two answers were registered. This means that the correlation coefficient is weak, and therefore there is no statistically indicative difference between the nature of the charges against detainees and the extent of physical and moral rights provided to them.

Table (6): The indication level between the charges against detainees and the physical and moral rights provided to them

Axis	Fifth Axis (Extent of physical and moral rights provided to detainees)	
	Correlation Coefficient	Indication Level
Nature of Charges against Detainees	.073	.226

Table (6): The indication level between the nature of charges against detainees and the physical and moral rights provided to them

Second Axis	Fifth Axis (Physical and Moral Rights)					
	Yes		No			
	Average	Standard deviation	Average	Standard deviation	T test	Indication level
I was detained without a charge	1.3898	.30211	1.3594	.27106	.815	.416
I was detained based on a suit filed by another party	1.3362	.28217	1.4286	.29605	2.656	.023
I was detained because of a civil case concerning the rights of others	1.3475	.28200	1.4643	.30248	3.013	.003
I was detained for a criminal case related to my attack on the rights/lives of others	1.3902	.28681	1.3492	.30601	1.026	.306
I was detained for political reasons related to the current conflict	1.3817	.29700	1.3756	.28371	.168	.867

Second: Extent of Physical and Moral Rights Provided to Detainees at the Level of Governorates

Indicators of physical and moral rights of detainees were not generally positive in all governorates surveyed. Although there are disparities between governorates pertaining to the extent to which these rights were provided to detainees, the general trend was negative, particularly in the governorates of Al-Hudaydah, Taiz, and Hadhramaut.

Ma'rib governorate had the lowest indicator concerning the natural right to adequate sleep, with (56.5%) of respondents not getting enough sleep throughout their detention, while the highest indicator was in Ibb governorate. (51.2%) of the respondents in the governorate stated that they had a sufficient period of sleep continuously during their detention.

In terms of food, the food needs of (92.3%) of respondents in Al-Hudaydah governorate were not met. It is the governorate with the highest number relating to the absence of meals for detainees when needed, followed by Taiz governorate with (87.1%). Amanat Al-Asemah governorate recorded the highest number in providing meals to detainees when they needed it permanently, with (19.1%).

In terms of access to free meals for detainees during their detention, (88.4%) of respondents in Ibb governorate did not receive free meals and beverages during their detention. Ibb recorded the highest percentage of not providing free meals for detainees, followed by Al-Hudaydah governorate with (87.2%). Ma'rib governorate recorded the highest percentage in terms of committing to providing free meals to detainees, with (52.2%) of respondents stating they received free meals and drinks permanently throughout their detention.

The study showed that the governorate of Hadhramaut committed the least to the right of detainees to obtain reading books or writing papers when needed with a percentage of (100%), followed by Al-Hudaydah governorate with (97.4%). Taiz governorate ranked as the most committed governorate to this right permanently. However, only (3.2%) of the respondents in the governorate had access to that right, which is a very low percentage and reflects the extent to which detainees were deprived of their moral and cultural rights during detention.

The study also showed that Al-Hudaydah governorate is the least compliant governorate with the right of detainees to regular sun exposure (100%), followed by Taiz governorate with (96.8%). Aden governorate allowed (3.4%) of respondents to access the right to regular and constant exposure to sunlight, which is a very small percentage.

(100%) of detainees in Taiz governorate were not able to call a doctor when they needed to do so, and as such, Taiz governorate is the least committed to providing this right to detainees, followed by the governorate of Hadhramaut with (97.7%). In Amanat Al-Asemah, only (5.9%) of respondents were able to call a doctor when needed, a very small percentage that does not go beyond the general trend of not providing this right to detainees.

Interrogation Methods in Places of Detention

First: Interrogation Methods in Places of Detention at the Level of Yemen

Overall, at the level of all the respondents, the results of the present study showed that the use of physical, verbal and moral in dealing with detainees during interrogation while detained in Yemen was lower than average, but represents a very high rate due to its seriousness and the flagrant violation it represents of human rights, according to all national and international laws and legislation.

The study showed serious indications of the existence of cases of different types and degrees of torture, punishment and humiliation of detainees that were not only restricted to beatings by hand, insults and deprivation of food and sleep, but also included torture with electricity, beatings with sticks and guns, cords restraint, burning with lighters and cigarettes, removal of nails and the use of iron nails, as the study showed.

(50.5%) of respondents said that they were not subjected to any pressures or threats during interrogation, but (38.3%) of the respondents were subjected to such pressures, (50.9%) were verbally abused and insulted during the investigation, (30%) were beaten by hand, (33.5%) were forced to sign the minutes of their interrogation under duress, (30.7%) were interrogated by persons who do not belong to the bodies where they were detained (not officially employed in those bodies), (43.7%) were interrogated by officers from the detention centers where they were placed, but in the presence of persons from outside those bodies, and (11.6%) were subjected to the punishment of deprivation of food or sleep after interrogation.

Given that torture of detainees is one of the most serious cases of human rights violations, we will present some types of torture used. Some detainees reported being subjected to high degrees and severe forms of torture, in an open-ended questionnaire:

“I had a heart attack due to sugar, and I was locked and beaten by hand because I bothered the guard.”

“I was electrocuted, beaten with sticks and hands.”

“I was beaten by hand and the fingers of my right hand were broken.”

“I was beaten with a big black wire and slapped with hands.”

“I was beaten by hand and my foot was hit with a stick, while I was blindfolded. I couldn’t see anyone.”

“Beating, kicking, electrocution and clipping.”

“One of the army men beat me with a stick and a boot in order to get me to confess about my relationship with al-Qaeda leaders.”

“I was beaten by hand and kicked and my ribs broke.”

“I was beaten with a stick and a pen was placed between my fingers and then pressed on.”

“I was beaten with a cable from the solar energy panel and by hand.”

“I was beaten by with a wire from the solar energy panel, tied with a rope and a cord and beaten with bamboo sticks and a neem tree branch.”

“I was beaten with an electric wire and a stick, burned with a lighter and a cigarette, and a muffler was placed in my mouth so I wouldn’t scream.”

“I was suspended for half an hour and I didn’t know who was interrogating me.”

These methods of torturing detainees in any way violate the laws and legislation of Yemen, and relevant international legislation. Article (48/B) of the Yemeni Constitution stipulates that: “... Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden. The person whose freedom is restricted has the right not to answer any questions in the

absence of his lawyer...”⁽⁷⁸⁾

Furthermore, Article (6) of the Code of Criminal Procedure stipulates that: “The torture of any person convicted or charged is prohibited, as well as inhumane treatment, or cause of bodily harm, or harm to morale, for the sake of obtaining an admission of guilt; any statement proven to have been committed by the accused, or any witnesses, under duress through any of these acts, shall be annulled and will not be relied upon accordingly.”⁽⁷⁹⁾

Article (178) of the Code of Criminal Procedure states that “The suspect may not be sworn in the legal oath, nor may he be compelled to respond to a question, nor shall his refusal to answer be considered as evidence against him proving his indictment; no form of deceit or use of force or pressure by any manner of temptation or compulsion to get him to confess.”⁽⁸⁰⁾

Article (5) of the Prisons Regulation Act stipulates that the work of the Department aims at “re-educating prisoners and instilling in them a love of work and a law-abiding spirit. Prisoners shall not be subjected to physical or psychological harm while serving time in prison.”⁽⁸¹⁾

In international legislation, the Universal Declaration of Human Rights states in Article (5) that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment⁽⁸²⁾.” Article (7) of the International Covenant on Civil and Political Rights stipulates that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article (10/1) states that: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”⁽⁸³⁾

According to Article (2) of the United Nations Convention against Torture

78 Constitution of the Republic of Yemen, op. Cit.

79 Code of Criminal Procedure, op. Cit.

80 Code of Criminal Procedure, op. Cit.

81 Prisons Regulation Act, op.cit.

82 Universal Declaration of Human Rights, op. Cit.

83 International Covenant on Civil and Political Rights, op. Cit

and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force in 1987, which Yemen signed, national States must commit themselves to the following:

- 1- “Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
- 2- No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
- 3- An order from a superior officer or a public authority may not be invoked as a justification of torture.”⁽⁸⁴⁾

Article (4) states that:

- 1- “Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
- 2- Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”⁽⁸⁵⁾

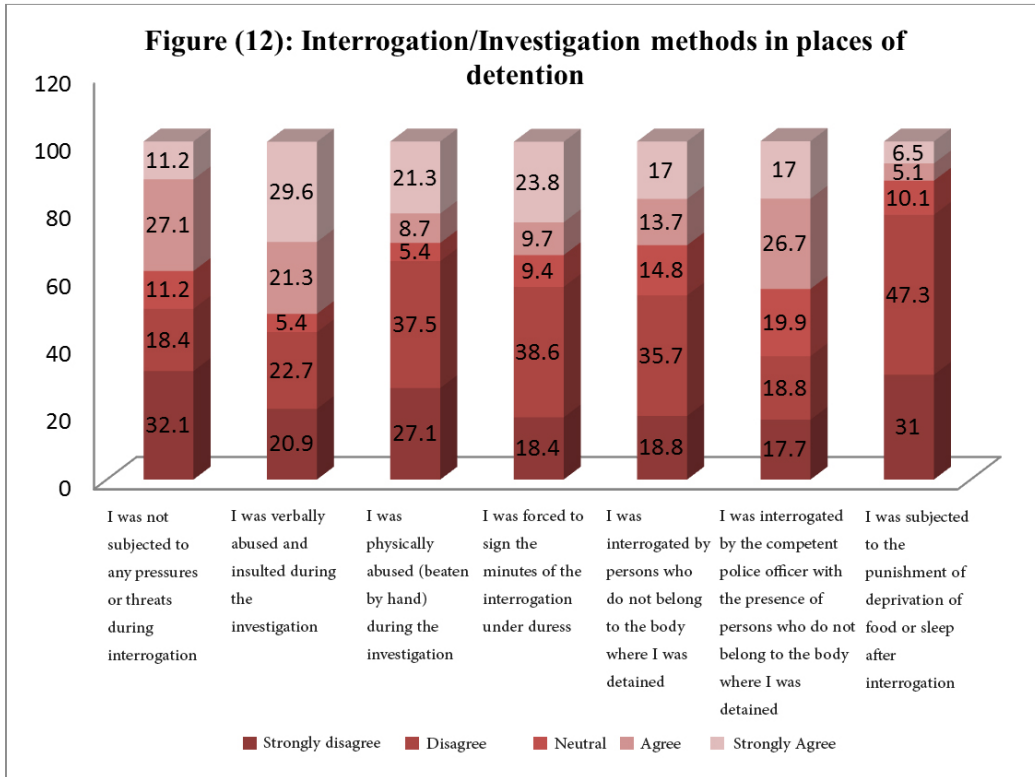
Article (16) of the Covenant stipulates that:

“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to

84 United Nations, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment <https://www.ohchr.org/ar/ProfessionalInterest/Pages/CAT.aspx>

85 Op. Cit.

torture of references to other forms of cruel, inhuman or degrading treatment or punishment.⁸⁶



Given the sensitivity and importance of Interrogation/Investigation techniques used with detainees, and considering that they constitute an indicator of the extent of respect to laws relating to the rights of detainees, the researcher was keen to determine whether there was a relationship between the nature of the profession of detainees and Interrogation/Investigation techniques used, in addition to identifying if there is a relationship between the nature of the charges against detainees and the Interrogation/Investigation techniques used. Based on an F test, the results were as follows:

1- Relationship between the nature of the profession of detainees and the interrogation/investigation methods used

As shown in Table (7), the results of the F and T tests analysis showed that

86 Op. Cit.

there are differences in the averages pertaining to the answers of the respondents. These differences have a statistical indication because the level of indication is less than 5%, meaning that the interrogation methods of detainees vary according to their professions.

Table (7): Relationship between the nature of the profession of detainees and the interrogation/investigation methods used

		Size of the Sample	Average	Standard deviation	F Test	Indication Level
Methods of Interrogating Detainees	Academic	17	2.2101	.73907	5.025	.000
	Employee	66	2.6234	.67036		
	Journalist	7	2.7959	.66933		
	Worker	46	2.7950	.73750		
	Student	33	3.1645	.62691		
	Other	80	2.7875	.68756		
	Total	249	2.7562	.71541		

2- Relationship between the nature of the charges against detainees and the interrogation/investigation methods used

As shown in Tables (8) and (9), we note in the first table that there is a correlation up to .251. The correlation is weak, but this correlation, although weak, has a statistical significance and indication that is less than 5% and reached 0.012. In the second table (T test), we note that there is an average difference between the (Yes) and (No) answers, i.e. there is a difference in the methods of interrogation/investigation with detainees, depending on the nature of the charges against them.

Table (8): The indication level between the charges against detainees and the interrogation/investigation methods used

Axis	Sixth Axis (Interrogation methods used with detainees)	
	Correlation Coefficient	Indication Level
Nature of Charges against Detainees	.251	.012

Table (9) clarifies the relationship between the nature of charges against detainees and the interrogation/investigation methods used

Second Axis (Nature of the charge)	Sixth Axis (Interrogation Methods)					
	Yes		No			
	Average	Standard deviation	Average	Standard deviation	T test	Indication level
I was detained without a charge	2.6351	.64491	2.9293	.80140	3.073-	.003
I was detained based on a suit filed by another party	2.8251	.74302	2.6308	.66669	2.279	.023
I was detained because of a civil case concerning the rights of others	2.8316	.71325	2.4756	.65127	3.793	.000
I was detained for a criminal case related to my attack on the rights/lives of others	2.6711	.67164	2.9127	.79974	2.295	.024
I was detained for political reasons related to the current conflict	2.6683	.70467	2.8557	.71770	2.098	.037

Second: Interrogation Methods in Places of Detention at the Level of Governorates

The study showed that the highest pressure on detainees during interrogation was in Ibb governorate with (53.5%), followed by Aden governorate with (48.3%), while Al-Hudaydah recorded the lowest percentage of detainees being subjected to pressure with (66.7%), and followed by Taiz governorate with (64.5%).

Al-Hudaydah topped the list of governorates, where (74.3%) of detainees were verbally abused with insults and curse words, followed by Ma'rib governorate with (73.9%), Ibb governorate with (55.8%) and Hadhramaut governorate with (50%).

The governorates ranked in the same order with regard to the physical beating of detainees by hand during interrogation/investigation. Al-Hudaydah came first

in regard to detainees being physically assaulted by hand with (64.1%), followed by Ma'rib governorate with (60.9%), while Hadhramaut governorate came last in regard to detainees being physically assaulted during interrogation/investigation. (88.6%) of the respondents denied being subjected to any physical assault during interrogation, followed by Taiz governorate with (83.8%) of the respondents not facing any physical aggression during interrogation/investigation.

(87.2%) of respondents in Al-Hudaydah were coerced into signing interrogation minutes, which is consistent, since it is governorate with the highest number of detainees being physically and verbally abused during interrogation, followed by Taiz governorate with (64.5%). Aden governorate ranked in the first place with respondents agreeing that they were not coerced to sign the minutes of investigation, with (93.1%), followed by Hadhramaut governorate with (84.1%).

Amanat Al-Asemah and Al-Hudaydah governorates topped the list of governorates included in the study, in regard to detainees being interrogated and investigated by persons who did not belong to the place of detention, with (45.6%) and (33.3%) respectively. Aden Governorate scored the lowest percentage in this regard, with (72.4%) of the respondents from the governorate not being interrogated by these people.

The study showed that the governorates of Hadhramaut and Aden recorded the highest numbers of detainees being interrogated/ investigated in the presence of persons who did belong to the place of detention where the interrogation/ investigation took place, but without these persons directly interrogating them, with (59.1%) and (58.6%) respectively. Ma'rib governorate scored the lowest percentage of detainees being interrogated/ investigated in the presence of persons who did belong to the place of detention where the interrogation/investigation took place, but without these persons directly interrogating them, with (69.5%) of respondents not being interrogated/ investigated in the presence of these persons, followed by Taiz governorate with (48.4%).

Ma'rib came first among the governorates in terms of detainees being subjected to food or sleep deprivation after interrogation/investigation with

(26.1%), followed by Amanat Al-Asemah with (17.6%), while (89.7%) of the detainees in Aden governorate were not subjected to food or sleep deprivation as punishment after being investigated/interrogated, followed by Al-Hudaydah governorate with (84.6%) of respondents not being deprived of food or sleep as punishment after interrogation/investigation.

Extent of Detainees' Contact with the Outside World

First: Extent of Detainees' Contact with the Outside World at the Level of Yemen

Only (19.9%) of the respondents received regular visits from their families or friends, while (37.9%) did not receive any visits at all, and between the two categories, (42.2%) received visits (sometimes). Only (6.1%) of respondents were able to use their phones to contact whomever they wanted while in custody, while (80.5%) were unable to do so at all permanently throughout their detention.

As for the ability to connect to the Internet, it was very limited. (96.8%) of the respondents did not have access to the Internet at all during their detention. The ability to follow events by watching TV channels was more difficult, with (97.1%) of respondents not being able to watch any TV channel during their detention.

Visits by human rights organizations to detention places were also rare. Most of the respondents said that no human rights organizations had visited them during their detention, with the percentage reaching (96%). These organizations were not allowed to visit detainees at all during their detention.

Denying detainees access to the outside world contravenes article (3) of the Prisons Act, which states that the treatment of prisoners in prisons aims to achieve the following:

- 1- "The reform, correction and rehabilitation of prisoners through the use of all means and influences, both educational and medical, as well as vocational training, social services, sports, cultural and recreational

activities.

- 2- The creation in prisoners of the desire and inclination to lead a respectable life as worthy citizens.”⁽⁸⁷⁾

The conduct, concepts and culture of a detainee cannot be altered in the absence of contact with the outside world. Article (22) of the same Act stipulates that “cultural programs must be put in place to occupy prisoners’ leisure time and to provide the opportunity to engage in sports and recreational activity.”⁽⁸⁸⁾

Depriving a detainee of contact with family and friends also contravenes the explicit provision of the Prisons Regulation Act in Article (30):

“In addition to the rights afforded under the present Act, the following facilities shall be provided to prisoners:

- 1- Visits from their families, relatives and friends.
- 2- The opportunity to receive and send correspondence.
- 3- The right to receive and send remittances.”⁽⁸⁹⁾

These indicators showed a large gap between the provisions of the law in force for the regulation of prisons and its application in practice, despite the provision of Article (6), which states that “The Department and all its staff shall abide by this Act and the other laws and regulations in force in the Republic.”⁽⁹⁰⁾

The risk of abuses committed by law enforcement and protection bodies is high compared to ordinary citizens’ violation of the law, as human rights violations committed by the police and law enforcement agencies make it more difficult to apply the law in the public sphere. These violations also represent an attack on human dignity and on the law itself and institutions of public authority, which in turn leads to serious consequences, including undermining public confidence,

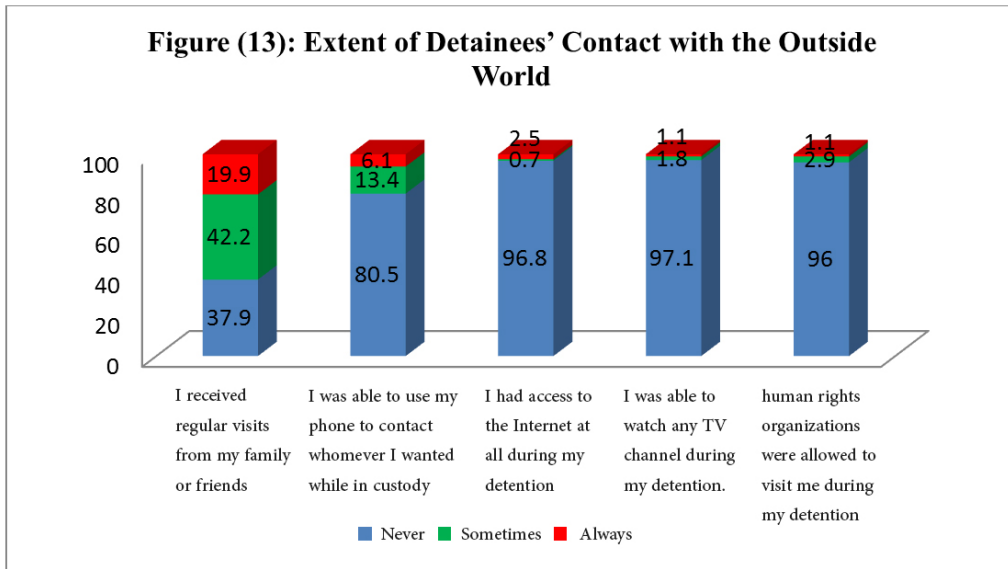
87 Prison Act, op. Cit.

88 Op. Cit.

89 Op. Cit.

90 Op. Cit.

obstructing effective trials, isolating the police from society, exonerating the guilty and charging the innocent.⁽⁹¹⁾



Second: Extent of Detainees' Contact with the Outside World at the Level Governorates

The study showed that all governorates did not respect the right of detainees to communicate with the outside world as a general trend and at a very high rate. (67.7%) of the detainees in Taiz governorate and (56.4%) of the detainees in Al-Hudaydah governorate did not receive any visits from their families or friends and the two governorates are the governorates that violated the most this right. As for Ibb governorate, (44.2%) of respondents had the right to regular visits, compared to (39.7%) in Amanat Al-Asemah. However, it should be noted that the percentages are below average in the two governorates.

The governorates ranked in the same order, with Taiz and Al-Hudaydah topping the list of governorates that did not grant detainees the ability to use their phones to contact whomever they wanted while detained, with (96.8%)

91 Office of the United Nations High Commissioner for Human Rights, Human Rights and Law Enforcement, United Nations, New York and Geneva, 2002, First Edition, p. 30.

and (92.3%) respectively. Amanat Al-Asemah ranked first in granting detainees the ability to use their phones to contact whomever they wanted while detained, followed by Ibb governorate, with (11.8%) and (11.6%) respectively, which are very low rates.

Access to the Internet while in detention was more difficult than using phones. All respondents in Aden, Hadhramaut and Ma'rib governorates (100%) did not have any access to the Internet while in detention. Detainees in Ibb governorate had the highest rate of access to the Internet while in detention, followed by Amanat Al-Asemah, but with very low rates for both: (4.7%) and (4.4%), respectively.

In the governorates of Taiz, Ibb and Hadhramaut, all respondents (100%) in the three governorates said that they did not have access to television and that human rights organizations were not allowed to visit them. Detainees in Ma'rib governorate had the highest rate of access to television, but with a considerably low percentage (4.3%), while Amanat Al-Asemah was the governorate that allowed the most human rights organizations to visit detainees, but also with a considerably low percentage (2.9%)

Ability to File Complaints and Inspection Procedures

First: Detainees' Ability to File Complaints and Inspection Procedures at the Level of Yemen

(94.2%) of respondents did not have the ability to file complaints about their treatment in detention, compared with only (1.1%) who were able to file complaints in this regard. One respondent was able to have a punishment imposed on the people in charge of the place of detention where he was placed on the basis of a complaint made to the higher authorities, while most of the sample (97.5%) was not able to do so.

In contrast, only (2.9%) of the respondents reported regular inspections by the prosecution or other parties of places of detention, while (91.7%) said that the inspection procedures never took place in their places of detention.

These indicators clearly contradict the provisions of two articles of the Code of Criminal Procedure, with Article (192) stipulating that: “Every member of the General Prosecution shall visit the penal facilities in their area of jurisdiction and to ensure that there are no persons under arrest illegally. He is entitled to review the records and arrest warrants and to take photo copies of them as he sees fit; he also is entitled to call on any prisoner and to listen to any complaint he may want to voice to him. The supervisors of these facilities shall provide all the assistance to obtain all the information he requires.”

Article (193) of the same code states that: “Anyone whose freedom has been restricted may present to the head of the penal facility any complaint, written or verbal; request him to present it to the General Prosecution; the person receiving the complaint must accept it and present it to the General Prosecution, immediately after recording it in the special register prepared for this.”⁽⁹²⁾

They also contravene the text of rule (83) of the United Nations Rules for the Treatment of Prisoners, which states:

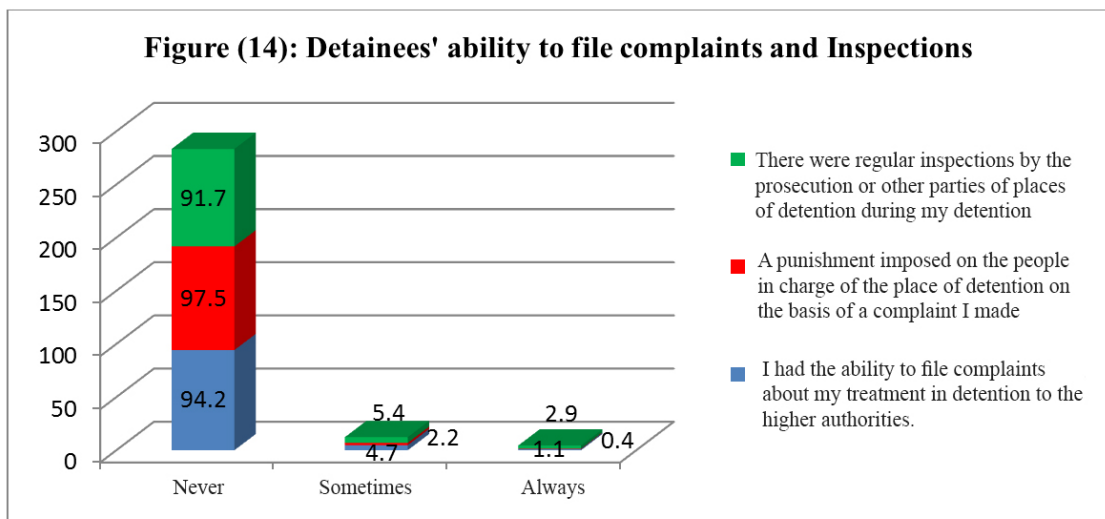
- 1- “There shall be a twofold system for regular inspections of prisons and penal services:
 - a) Internal or administrative inspections conducted by the central prison administration;
 - b) External inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies.
- 2- In both cases, the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected.”

Rule (84) of the Mandela Rules detailed the powers and authority of the

92 Yemeni Code of Criminal Procedure, op. Cit.

inspectors as follows:

- 1- “Inspectors shall have the authority:
 - a) To access all information on the numbers of prisoners and places and locations of detention, as well as all information relevant to the treatment of prisoners, including their records and conditions of detention;
 - b) To freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview;
 - c) To conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits;
 - d) To make recommendations to the prison administration and other competent authorities.
- 2- External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority and shall encompass healthcare professionals. Due regard shall be given to balanced gender representation.”⁽⁹³⁾



93 United Nations, Standard Minimum Rules for the Treatment of Prisoners, op. Cit., p. 25.

Second: Detainees' Ability to File Complaints and Inspection Procedures at the Level of Governorates

The study showed that all respondents in Hadhramaut governorate (100%) were not able to file complaints to authorities higher than the authorities in charges of the places of detention they were placed in. No officials in the places of detention were punished on the basis of a complaint from detainees, and there were no inspections conducted of the places of detention by the prosecution during their detention. Therefore, Hadhramaut is the governorate that failed the most in granting detainees the right to file complaints, punishing offending officials, and inspecting places of detention to ensure that they comply with the laws governing them, without any exceptions.

The governorates of Taiz and Al-Hudaydah didn't grant (100%) of detainees the ability to file complaints to the higher authorities responsible for overseeing places of detention.

The same percentage (100%) is recorded as well in the governorates of Ibb, Taiz and Aden, in terms of not imposing any sanctions against officials in places of detention.

The same percentage (100%) is also recorded in the governorates of Ibb and Al-Hudaydah, in terms of not conducting any inspections of places of detention by the prosecution.

In general, despite the continuing trend of detainees not being able to file complaints against those responsible for places of detention, the lack of punishment imposed on those officials, and the failure to inspect places of detention on a regular basis, the governorates of Ma'rib and Amanat Al-Asemah recorded a very low level of commitment in these areas. However, in contrast, in the other governorates, the commitment was almost completely absent, with inspections of places of detention occurring (sometimes) in Ma'rib governorate, as reported by (26.1%) of the respondents and regularly (or sometimes) in Amanat Al-Asemah as reported by (19.6%) of respondents.

Methods of Releasing Detainees

The study showed diversity in the methods of releasing detainees. Release after the signature of sureties was the method used the most with a rate of (20.9%), followed by release under the direction of the head of the police department/place of detention with (14.1%), release by commercial guarantee (13%), while the release by order of the prosecution came in a lower position with only (5.8%) and release by court order recorded a very low percentage (1.8%), which means that those released by judicial rulings were far less than those released due to death in places of detention. This is a very serious indicator, as the judiciary releases those sentenced to prison, and as long as most of the detainees are released in ways that do not include judicial rulings, it means that their entry into prison was most likely not through judicial channels.

(27.1%) of the respondents stated that they were released in other ways that were not included in the questionnaire (shown in Figure (16), which details the methods of releasing (27.1%) of the total number of respondents), or they were not released. Those who were not released accounted for (32.94%) of this category, while those released because of the reconciliation of the parties to the conflict that caused their detention amounted to (10.59%), followed by (9.41%) who were released through mediation.

Remarkably, (3.53%) of the respondents were released because of their deaths in places of detention, according to relatives, meaning that technically the body of the detainee was released and not the detainee himself. This category was released in order to get a waiver from the owner of the house (the landlord). As a result of the interruption of the salaries of government employees for many months and their inability to pay their house rents, some of them were detained as a result of the complaints filed by landlords.

Furthermore, (2.35%) of the detainees were released in prisoner exchanges between the parties to the conflict, and (1.18%) were released by being handed

over to the International Committee of the Red Cross, which means that their detention was due to reasons pertaining the current conflict in the country.

Figure (15): Methods of releasing detainees in general

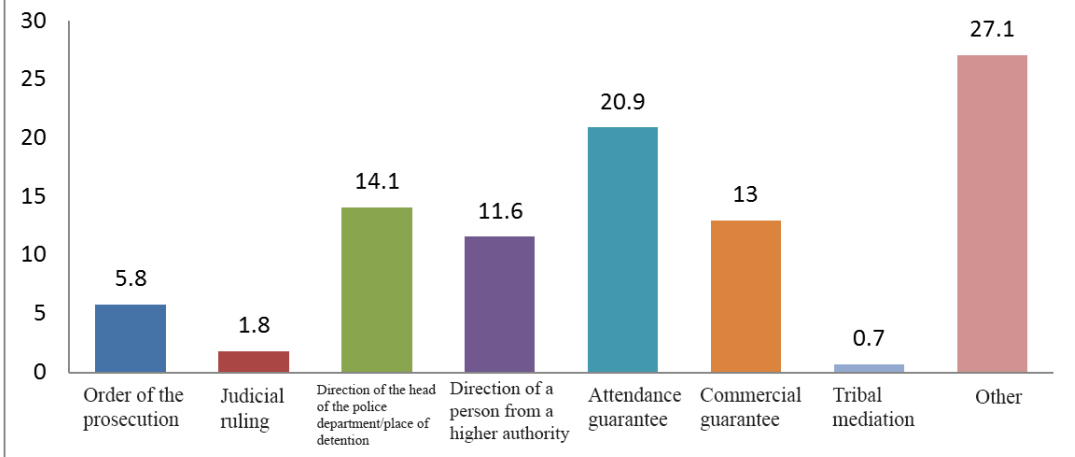
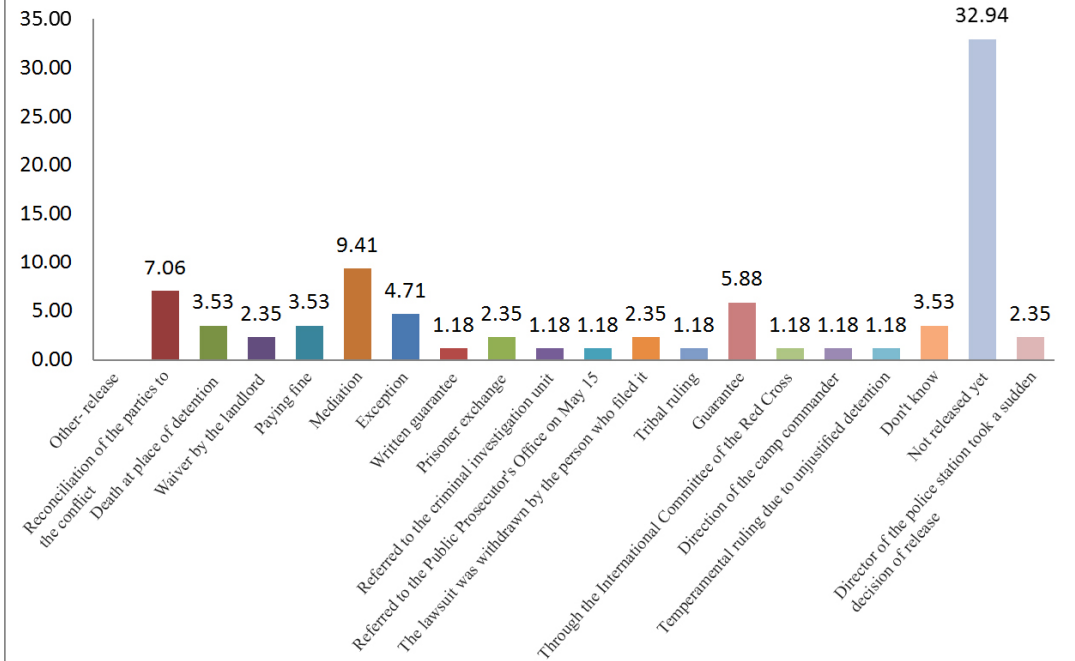


Figure (16): Other methods for releasing detainees



The study showed that (80%) of the respondents were released at the time of issuing the release order, while (20%) said that the release order was not

implemented at the time of its issuance.

According to the study, the delay in implementing the release order ranged from four hours to six months, with various reasons, but mainly due to the demands of those in charge of detention places to receive money that the detainees could not pay, stalling or the absence of the official responsible for implementing the release order.

Delaying the release of detainees is inconsistent with the provisions of Article (11) of the Prisons Regulation Act, which stipulates that:

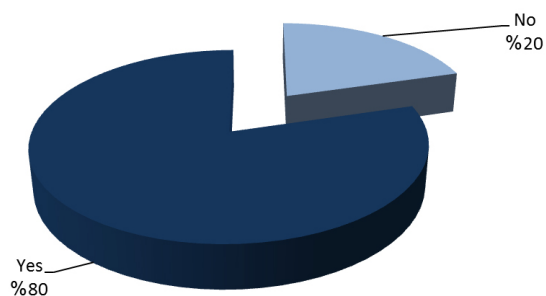
“Having due regard to the applicable provisions of the Criminal Code relating to the release of prisoners, the prison management shall:

- 1- Release the prisoner the same morning of the end of the prison term stipulated in the judgment.
- 2- Release a remand prisoner after the end of the remand period by virtue of a written order from the authority that issued the detention order.”⁽⁹⁴⁾

It also contradicts Article (204) of the Code of Criminal Procedure, which states:

“Whenever the release from detention has become effective, the member of the General Prosecution shall issue the release warrant to the supervisor of the penal facility where the suspect is detained to free him; the supervisor or anyone acting on his behalf shall free the suspect immediately as long as he is not detained for any other reason, which the papers shall so indicate.”⁽⁹⁵⁾

Figure (17): Was the release carried out on time



94 Prisons Regulation Act, op. Cit.

95 Code of Criminal Procedure, op. Cit.

Chapter Five

Reality of Places of Detention in Yemen from
the Perspective of People in Charge



Reality of places of Detention in Yemen from the Perspective of people in charge

To find out more precisely the reality of places of detention in Yemen, the researcher sought to depict that reality from the perspective of two most important parties involved. The reality of places of detention in Yemen was presented from the point of view of the detainees in the previous part of the study. The following part presents the other perspective provided by officials in charge of places of detention in Yemeni police stations.

In view of the current situation in the country, since it wasn't easy to visit places of detention in the field in order to prepare an evaluation list based on international standards for what they are supposed to be like and the specifications and procedures they should follow, and since a number of these detention places are informal and therefore practically hard to reach and to communicate with the party responsible, as unofficial places of detention are usually (secret), or limited in their dealings with the outside world at the very least, the sample of respondents was confined to officials in charge of places of detention, mainly in police stations and departments, and some criminal investigation departments, all of which fall under various authorities, by virtue of the reality of the conflict in Yemen.

As the study methodology is descriptive and not comparative, the results of the study are presented in the two sections relating to the type of respondents (detainees and police officials) separately, without any comparison between them. Since the objectives of the study do not include a comparison between the answers of the two types of respondents, the axes of each questionnaire differed.

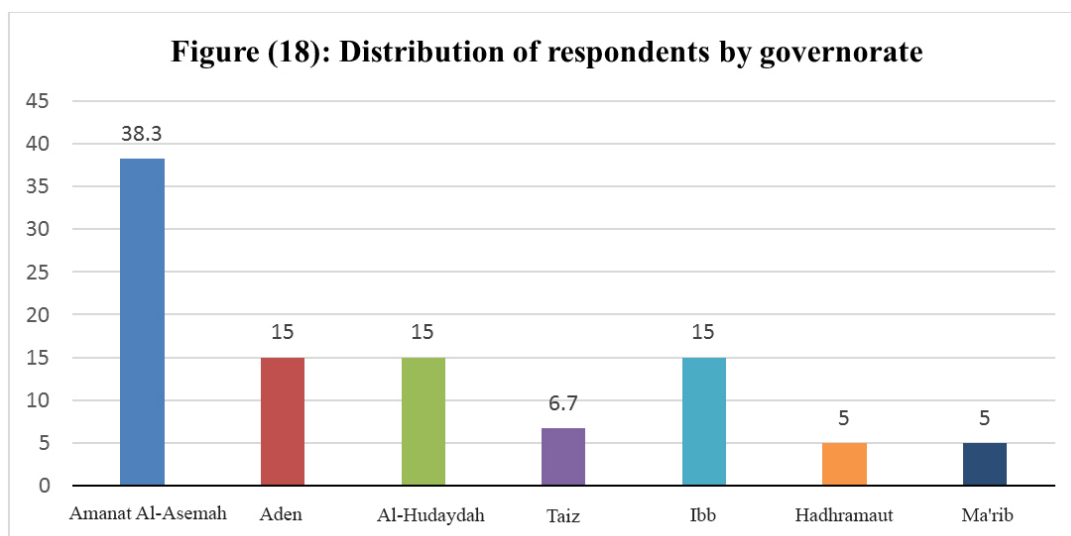
For the same reasons previously presented, the sample of the study was not distributed proportionally or in any other way to the governorates targeted by the study, but was distributed by virtue of field availability and accessibility. Special letters were sent to request the facilitation of the work of the team of field researchers to some authorities responsible for places of detention, due to the refusal of the direct officials to cooperate with the team of researchers, but

the response remained low, with some unfriendly reactions at times. However, to reach a sample appropriate for the size of the research community, two field visits were carried out to meet the appropriate number needed.

Analysis of the Study Sample

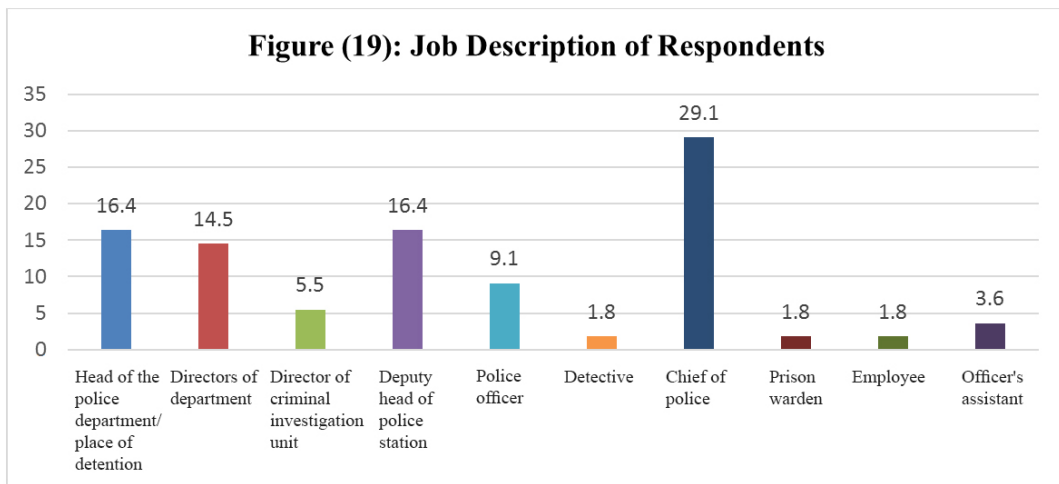
Based on the previous data, the sample of the study was distributed among the seven governorates (Amanat Al Asemah, Aden, Al-Hudaydah, Taiz, Ibb, Hadhramaut and Ma'rib) in varying proportions according to the response of the officials in charge of the police detention places in each governorate. It was necessary to re-conduct the field research in both Amanat Al-Asemah and Ma'rib governorates to obtain a sufficient sample to represent the research community, given the poor response the first time.

The highest response was in the Amanat Al-Asemah with 23 officials from places of detention in police stations, followed by (Ibb, Al-Hudaydah, and Aden) governorates equally (9 centers in each), Taiz governorate with 4 centers and Hadhramaut governorate with 3 centers. The total sample included (60 Respondents) in charge mainly of police stations and some criminal investigation departments in the governorates included in the study, as shown in Figure (18).

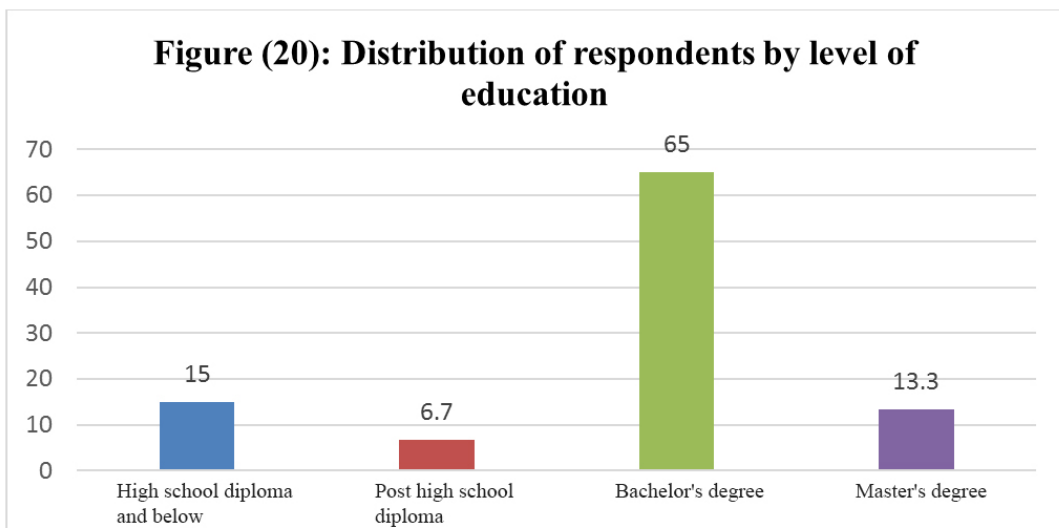


Depending on the job description of the respondents, the majority of respondents were distributed as shown in Figure (19):

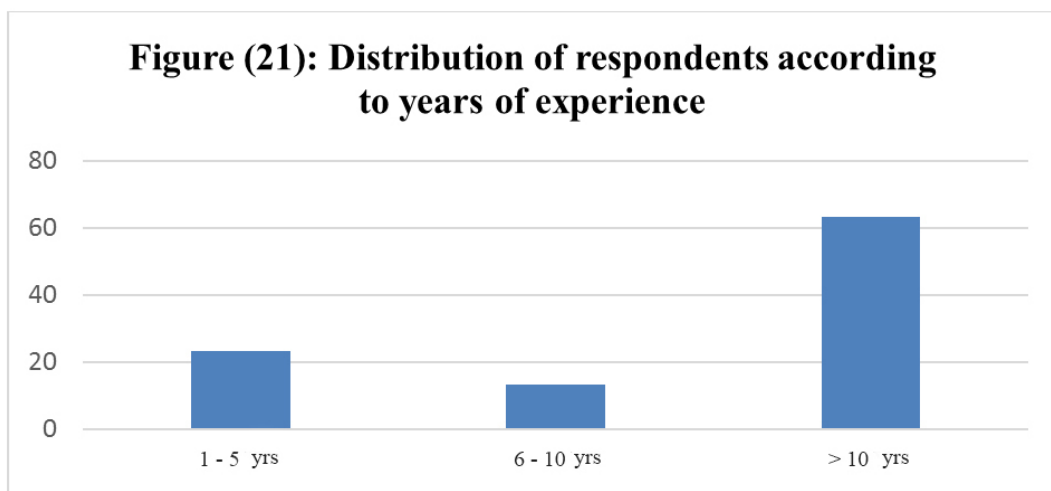
(45.5%) heads/managers of police stations, (16.4%) deputy heads of police stations, (14.5%) directors of departments (i.e. heads/managers of police stations, but this job description was used for the respondents with their positions), (5.5%) directors of criminal investigation branches and (9.1%) police officers working in places of detention belonging to police stations, as shown in Figure (19).



According to the educational level, the majority of the respondents (65%) had a university degree (bachelor's degree). This is due to the policy followed in the selection of directors of security directorates and police station directors from the graduates of the Police College, followed by (15%) of respondents with a high school degree or and (13.3%) with a master's degree, as shown in Figure (20).



experience, while (23.3%) had between 1 and 5 years of experience, and (13.3%) had six to 10 years of experience, as shown in Figure (21).



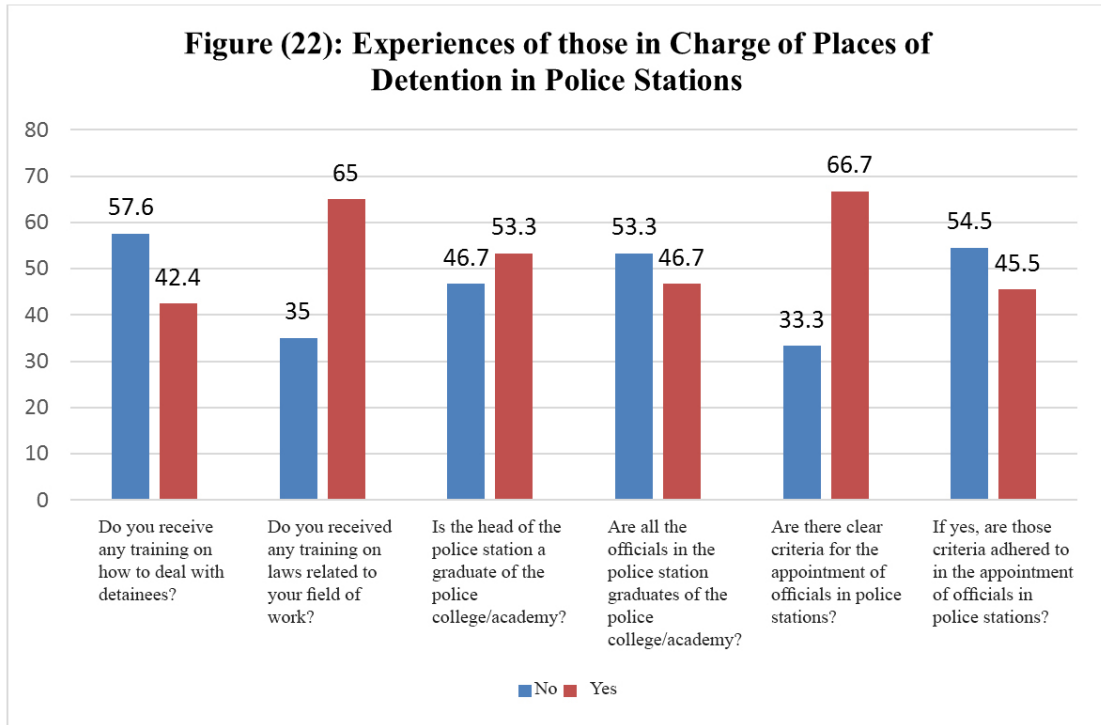
Experiences of People in Charge of Places of Detention in Police Stations

First: Experiences of People in Charge of Places of Detention in Police Stations at the level of Yemen

The current study showed that training opportunities, levels of education, and recruitment criteria for police officers in Yemen differed. (57.6%) of respondents did not receive training on how to deal with detainees, while (42.2%) received training in this field, and (65%) received training on laws related to their work. It should be noted that it is the same percentage of respondents who have a bachelor's degree, as this degree includes university degree and graduates of police colleges that give their employees multiple legal courses, with (53.3%) of the respondents stating that people in charge of police stations are graduates of a police college or academy. This also explains the high percentage of people trained in security work laws.

(66.7%) of the respondents reported that there are clear criteria for the appointment of officials in police stations, but the majority of them said that the application of these criteria is not practically complied with, amounting to

(54.5%), as shown in Figure (22).



Second: Experiences of People in Charge of Places of Detention in Police Stations at the Level of Governorates

At the governorate level, the study showed that there is a great disparity between the governorates pertaining to the experience of people in charge of places in detention in police stations. The governorates of Hadhramaut and Ma'rib came first in terms of police officers receiving special training in dealing with detainees, with (100%) of respondents in the two governorates, followed by Taiz, where (75%) of respondents said they received special training in dealing with detainees. Aden and Al-Hudaydah were equal in this area with only (11.1%) of the respondents in the two governorates receiving special training in dealing with detainees, while (88.9%) did not receive training in this field in the two governorates equally.

Regarding special training on the laws related to the nature of the work of those in charge of places of detention in police stations, the governorates

of Hadhramaut and Ma'rib came first, with (100%) of respondents in both governorates receiving special training on the laws related to the nature of their work, followed by Amanat Al-Asemah with (82.6%), then Taiz with (75%), Al-Hudaydah (44.4%), while Aden governorate had the lowest number of police officials receiving special training on the laws related to their field of work, with a percentage of (33.3%) only.

The results of the study indicated that all the heads/directors of police departments (100%) in Taiz, Ibb, Hadhramaut and Ma'rib were graduates of the police academy or college. Amanat Al-Asemah had the lowest number in this area, with only (13%) of police directors and heads of departments being graduates of a police college or academy, compared to (87%) who were not graduates of the police college or academy. This may be due to the issuance of decisions to appoint the highest official in police institutions during the conflict based on loyalty to the existing authorities and not on the qualification. This is reinforced by the presence of (91.3%) of officials in police stations in Amanat Al-Asemah who graduated from the police college/academy, meaning the issue is not related to the lack of a qualified cadre but rather to not enabling this cadre to be the main decision-maker.

As for the rest of officials in police departments, they were not graduates of the police academy or college, with a percentage of (100%) in (Ibb and Hadramout). Amanat Al-Asemah scored the highest number in this regard, with (91.3%) of police officials being graduates of a police academy or college, followed by Aden with (44.4%).

In terms of the criteria for the appointment of officials in police stations, the answers varied, although the criteria for their appointment are considered to be a general national policy and not specific to each governorate, since the laws in force in Yemen before the conflict are still in force during the conflict, or at least not officially changed, even if the rates of adherence to them declined. (100%) of respondents in the Hadhramaut governorate confirmed the existence of standards of this kind, but they (100%) also said that these standards do not actually apply. On the other hand, (100%) of respondents in Ma'rib Governorate reported that

there are no criteria for appointing police station officials, while (77.8%) of respondents in Aden Governorate and (73.9%) in Amanat Al-Asemah reported that there are criteria for appointing police officials. However, only (11.1%) and (31.6%) of the respondents in the two governorates, respectively, said that these criteria are adhered to when appointing police station officials, as shown in Table (10) and Figures (23) to (29).

Table (10) illustrates the experiences of people in charge of places of detention in Yemeni police stations

Experiences of people in charge of Places of Detention in Police Stations	Amanat		Aden		Al-Hudaydah		Taiz		Ibb		Hadhramaut		Ma'rib	
	No %	Yes %	No %	Yes %	No %	Yes %	No %	Yes %	No %	Yes %	No %	Yes %	No %	Yes %
Do you receive special training on dealing with detainees in police stations?	40.9	59.1	88.9	11.1	88.9	11.1	25.0	75.0	55.6	44.4		100		100
Do you receive training on the laws pertaining to your field of work?	17.4	82.6	55.6	44.4	66.7	33.3	25.0	75.0	22.2	77.8		100		100
Is the department director (or those responsible) a graduate of the Police College or Police Academy?	87.0	13.0	22.2	77.8	33.3	66.7		100		100.0		100		100
Are all officials in the department graduates of the police academy or college?	8.7	91.3	55.6	44.4	88.9	11.1	75.0	25.0	100.0		100		66.7	33.3
Are there any criteria that must be met for the position of director or deputy director of a police station?	26.1	73.9	22.2	77.8	44.4	55.6	50.0	50.0	33.3	66.7		100	100	

If yes, are these criteria met upon appointment?	68.4	31.6	88.9	11.1	80.0	20.0		100		100	100		100
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Figure (23): Experiences of those in Charge of Places of Detention in Police Stations in Amanat

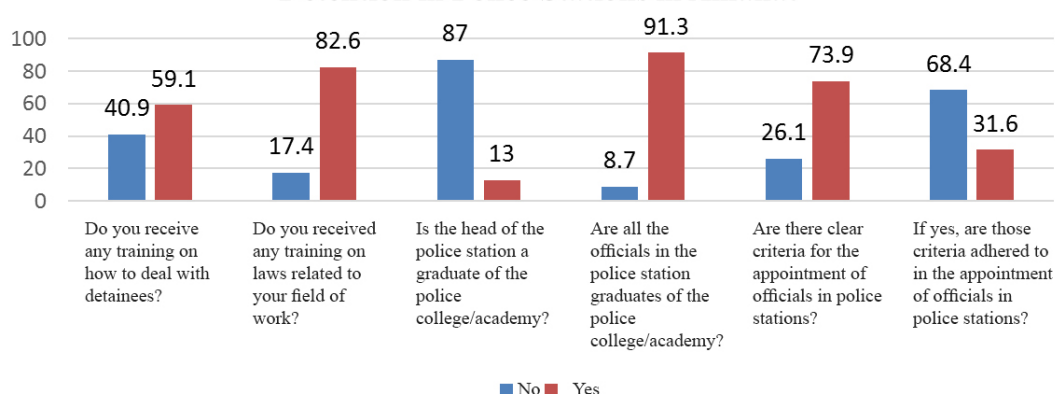


Figure (24): Experiences of those in Charge of Places of Detention in Police Stations in Aden

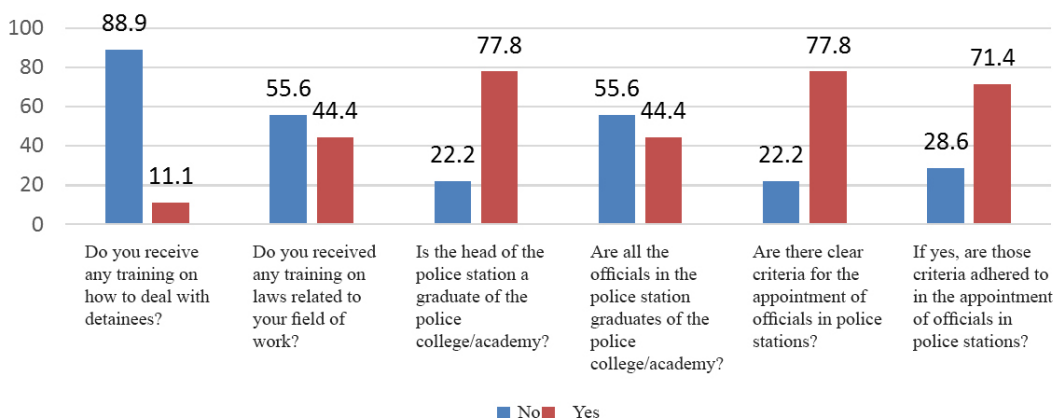


Figure (25): Experiences of those in Charge of Places of Detention in Police Stations in Al-Hudaydah

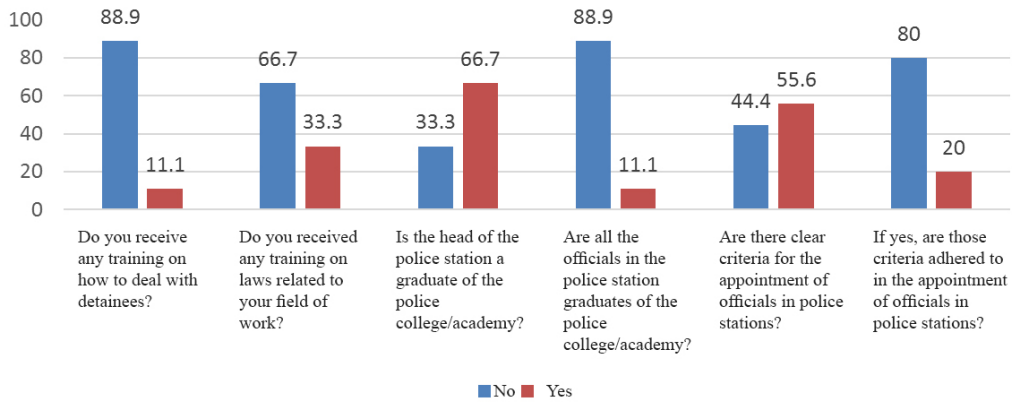


Figure (26): Experiences of those in Charge of Places of Detention in Police Stations in Taiz

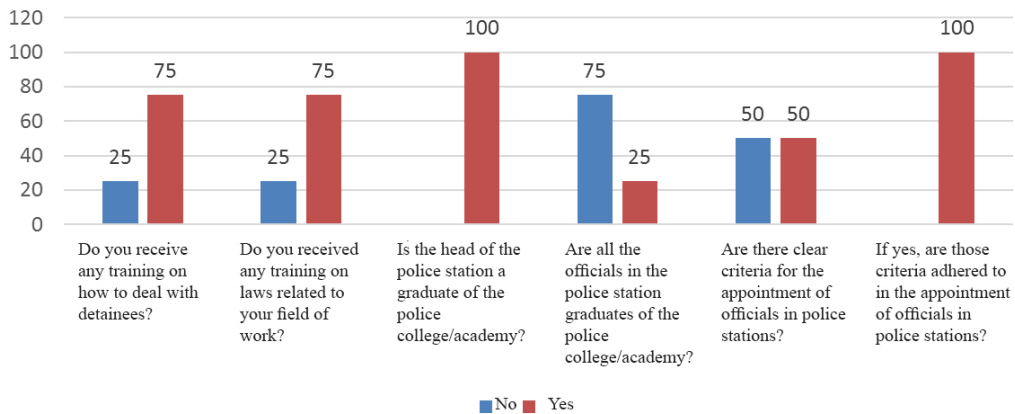


Figure (27): Experiences of those in Charge of Places of Detention in Police Stations in Ibb

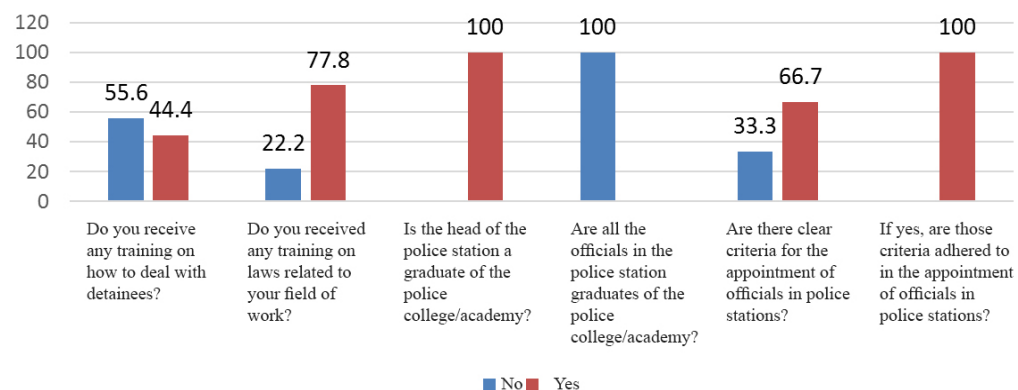


Figure (28): Experiences of those in Charge of Places of Detention in Police Stations in Hadhramaut

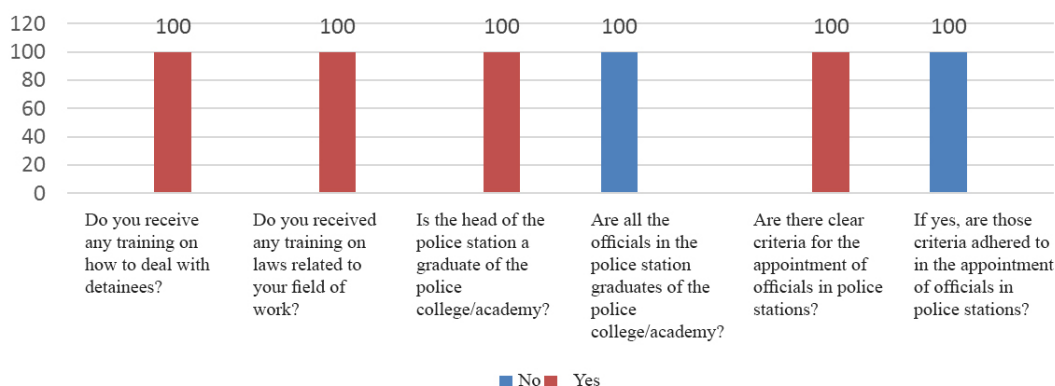
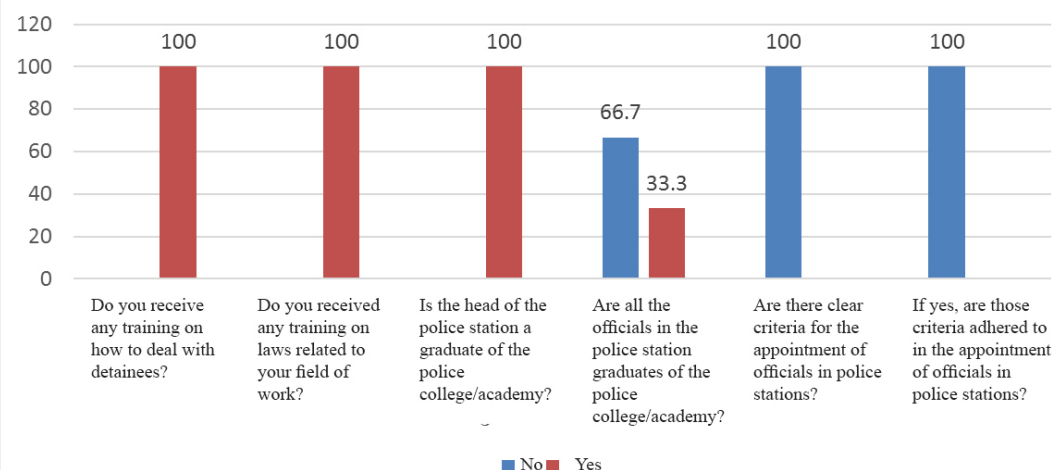


Figure (29): Experiences of those in Charge of Places of Detention in Police Stations in Ma'rib



Adopted Procedures during Detention in Police Stations

First: Adopted Procedures during Detention in Police Stations at the Level of Yemen

(60%) of the respondents said that the accused people were placed in detention places before being interrogated (sometimes), while (30%) denied it, and (10%) said it happened permanently.

Most of the respondents stated that accused people are (sometimes) placed in

places of detention before interrogation, which constitutes an indication of the lack of responsibility to preserve the constitutional provisions that protect the citizen by enshrining the principle of “nulla poena sine lege” (the law stipulates the punishment) and with the provisions of articles (47, y48) of the Yemeni Constitution. Article (47) states that: “Criminal liability is personal. No crime or punishment shall be undertaken without a provision in the judiciary or the law. The accused is innocent until proven guilty by a final judicial sentence, and no law may be enacted to put a person to trial for acts committed retroactively.” Article (48) stipulates that: “The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizens’ freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.”⁽⁹⁶⁾

It also violates Article (8) of the Prisons Regulation Act, which stipulates that “No person shall be imprisoned or accepted in prison without the executive version of the judicial verdict signed by the competent judge or without a warrant in writing on the specialized form signed by the competent public prosecutor and stamped with an official stamp bearing the State emblem of that authority.”⁽⁹⁷⁾

Regarding the extent of commitment to the right of the accused to have his lawyer present during the interrogation, only (16.7%) of respondents said that the commitment to this right of detainees is always respected, while (35%) said that the commitment to this right of detainees is never respected, and the rest of the respondents, i.e. (48.3%) were in between the two above-mentioned categories. They affirmed that compliance with the right of the accused to have his lawyer present during the interrogation takes place (sometimes), but not always.

These indicators, in turn, reinforce the above-mentioned lack of concern for the application of constitutional and legal provisions by those responsible for places of detention in police stations in Yemen, despite the provisions of Article (9) of the Code of Criminal Procedure that state:

96 Constitution of the Republic of Yemen, op. Cit.

97 Prisons Regulation Act, op. Cit.

- 1- “The right of defense is guaranteed and the accused is entitled to carry on his own defense, as well as he is entitled to be assisted by a representative to defend him, in any of the stages of the procedures of handling criminal cases, including the investigation period. The government must provide for the poor and hard pressed a defense lawyer from the accredited lawyers. The Council of Ministers, based on the recommendations of the Minister of Justice shall issue procedural rules for the regulation of the provision of defense lawyers for the poor and misfortunate.
- 2- The Judicial Enforcement Officers, the General Prosecution and the Courts must notify the defendant or his rights with regards to charges he is confronted with and the methods of proof available to him, and shall all work to safeguard his personal and financial rights.”⁽⁹⁸⁾

In terms of adherence to the legal duration of detention, the general trend was to adhere to the legal duration of detention with (60%) of respondents reporting it was (sometimes) adhered to, (13,3%) reporting that it was never adhered to, and only (26.7%) reporting that it was always adhered to, in accordance with the law.

These indicators, in turn, clearly contradict Paragraph (C) of constitutional Article (48), which states that: “Any person temporarily apprehended on suspicion of committing a crime shall be presented in front of a court within a maximum of 24 hours from the time of his detention. The judge or Public Prosecutor shall inform the detained individual of the reason for his detention and questioning and shall enable the accused to state his defense and rebuttals. The court then gives a justified order for the release of the accused or for the extension of his detention. In any cases, the Prosecutor is not entitled to continue detention of the accused individual more than several days except with a judicial order. The law shall define the maximum period of custody.”⁽⁹⁹⁾

98 Code of Criminal Procedure, op. Cit.

99 Constitution of the Republic of Yemen, op. Cit.

These practices also go against Article (105) of the Code of Criminal Procedure, which stipulates that: “The Judicial Enforcement Officers in the above cases shall listen to the statements of the suspect immediately and refer him with the Minutes of these statements to the General Prosecution within 24 hours. The General Prosecution must take action with regards to his case within the following 24 hours from the time this case was reviewed, or else he must be released immediately.”⁽¹⁰⁰⁾

Regarding the practice of pressuring and coercing the accused to admit to the charges against them, (60%) of respondents said that this does not happen at all, while (33.3%) said that this happens (sometimes) and only (6.7%) of respondents said that this always happens.

Even if these indicators are below average, and the general trend has been not to exert pressure and coercion on detainees to admit to the charges against them, the fact that this happens, either always or sometimes, with a percentage of 40%, represents a serious violation of the rights of detainees and contravenes a number of relevant national and international legislation such as Article (48/b) of the Yemeni Constitution, which states that: “...Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden. The person whose freedom is restricted has the right not to answer any questions in the absence of his lawyer...”⁽¹⁰¹⁾

Article (6) of the Code of Criminal Procedure considers that “The torture of any person convicted or charged is prohibited, as well as inhumane treatment, or cause of bodily harm, or harm to morale, for the sake of obtaining an admission of guilt; any statement proven to have been committed by the accused, or any witnesses, under duress through any of these acts, shall be annulled and will not be relied upon accordingly.” Article (178) of the same Code stipulates that: “The suspect may not be sworn in the legal oath, nor may he be compelled to respond to a question, nor shall his refusal to answer

100 Code of Criminal Procedure, op. Cit.

101 Constitution of the Republic of Yemen, op. Cit.

be considered as evidence against him proving his indictment; no form of deceit or use of force or pressure by any manner of temptation or compulsion to get him to confess.”⁽¹⁰²⁾

Furthermore, Article (5) of the Prisons Regulation Act stipulates that the work of the Department aims at “re-educating prisoners and instilling in them a love of work and a law-abiding spirit. Prisoners shall not be subjected to physical or psychological harm while serving time in prison.”⁽¹⁰³⁾

Article (5) of the Universal Declaration of Human Rights states that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”⁽¹⁰⁴⁾, while Article (7) of the International Covenant on Civil and Political Rights stipulates that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” and Article (10/1) considers that: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”⁽¹⁰⁵⁾.

Contrary to the previous indicators, the study showed that (81.7%) of the respondents had a general tendency to allow detainees to be visited by their families, friends or their lawyers, while (3.3%) only said visits were never allowed. The same percentage (3.3%) applies to visits by human rights organizations to places of detention, while the rate of allowing them to always visit detainees dropped to (76.7%).

In the same positive context, there was a general tendency to document detention cases in official records, as confirmed by the majority (88.3%) of the respondents, compared to (1.7%) who completely denied the documentation.

With regard to allowing detainees to use their phones and access the Internet, only (18.3%) of the respondents confirmed that this happens continuously, while (38.3%) absolutely denied that permission was given to

102 Code of Criminal Procedure, op. Cit.

103 Prisons Regulation Act, op. Cit.

104 Universal Declaration of Human Rights, op. Cit.

105 International Covenant on Civil and Political Rights, op. Cit.

use the phone or Internet access. The remaining respondents (43.3%) were in between the two above-mentioned categories and said that the use of the telephone and internet access occurs (sometimes) but not always.

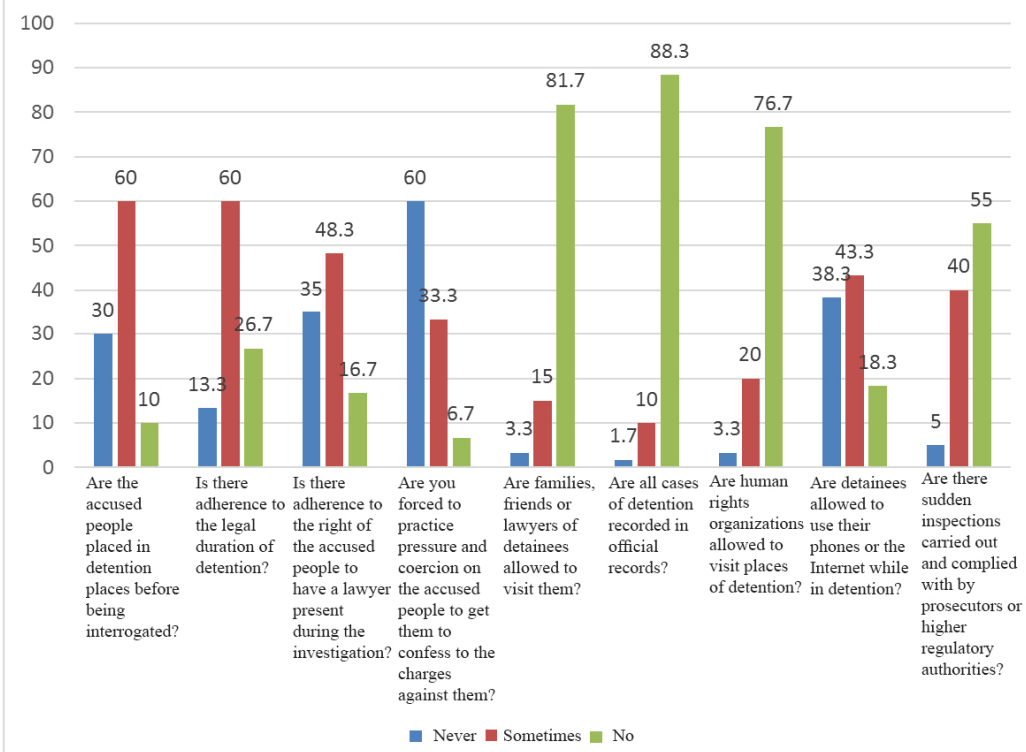
Only (5%) of the respondents said that they were not subjected to any sudden inspection by the Public Prosecution or the regulatory authorities, while the majority of the respondents (55%) confirmed that they were always inspected by the Public Prosecution or the regulatory authorities. (40%) of respondents said they are subjected to sudden inspections by the Public Prosecution or the regulatory authorities, but (sometimes) not always, as shown in Table (11) and Figure (30).

Table (11) clarifies the adopted procedures during detention in police stations

Adopted Procedures during Detention	Never		Sometimes		Always	
	Recurrence	%	Recurrence	%	Recurrence	%
Accused people are placed in detention places before being interrogated.	18	30.0	36	60.0	6	10.0
The legal duration of detention is observed.	8	13.3	36	60.0	16	26.7
The right of the accused people to have a lawyer present during the investigation is observed.	21	35.0	29	48.3	10	16.7
You are forced to practice pressure and coercion on the accused people to get them to confess to the charges against them.	36	60.0	20	33.3	4	6.7
Families, friends or lawyers of detainees are allowed to visit.	2	3.3	9	15.0	49	81.7

All cases of detention are recorded in official records.	1	1.7	6	10.0	53	88.3
Human rights organizations are allowed to visit places of detention.	2	3.3	12	20.0	46	76.7
Detainees are allowed to use their phones or the Internet while in detention.	23	38.3	26	43.3	11	18.3
Sudden inspections by prosecutors or higher regulatory authorities are carried out and complied with.	3	5.0	24	40.0	33	55.0

Figure (30): Adopted procedures during detention in police stations



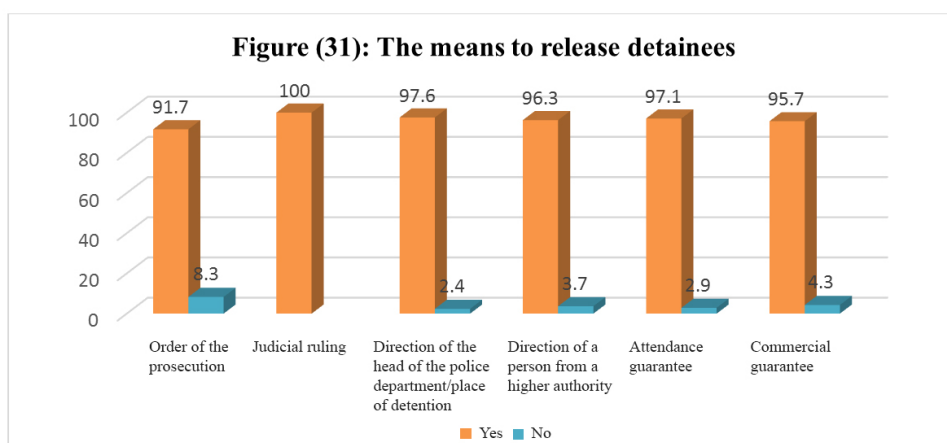
The fact that places of detention are not inspected and monitored significantly limits the ability to protect detainees from violations of their rights. Although those in charge for places of detention in police stations are not responsible for this lack of inspections of places of detention, as they are the responsibility of the Public Prosecution and the competent authorities, these indicators are clearly inconsistent with the provisions of two articles of the Code of Criminal Procedure. Article (192) stipulates that: “Every member of the General Prosecution shall visit the penal facilities in their area of jurisdiction and to ensure that there are no persons under arrest illegally. He is entitled to review the records and arrest warrants and to take photo copies of them as he sees fit; he also is entitled to call on any prisoner and to listen to any complaint he may want to voice to him. The supervisors of these facilities shall provide all the assistance to obtain all the information he requires.” Article (193) states that: “Anyone whose freedom has been restricted may present to the head of the penal facility any complaint, written or verbal; request him to present it to the General Prosecution; the person receiving the complaint must accept it and present it to the General Prosecution, immediately after recording it in the special register prepared for this.”⁽¹⁰⁶⁾

As for the methods/means of releasing detainees, according to the options proposed in the study questionnaire, all the respondents (100%) said that the detainees are released according to the court decision, (97.6%) said that the release is done by order of the head/director of the police station, (97.1%) mentioned sureties as a means of obtaining release, (95.7%) stated commercial guarantees as a method for release, while (91.7%) indicated that prosecution orders are used to release detainees. This number is lower than the rate of the directives of the higher authorities, which amounted to (96.3%), as a means to release detainees, as shown in Table (12) and Figure (31).

106 Code of Criminal Procedure, op. Cit.

Table (12) clarifies the means to release detainees

Means to release detainees	Yes		No	
	Number	%	Number	%
Prosecution order	22	91.7	2	8.3
Court Decision	14	100.0		
Decision by head of department	41	97.6	1	2.4
Directives of higher authorities	26	96.3	1	3.7
Sureties	34	97.1	1	2.9
Commercial guarantees	22	95.7	1	4.3



Second: Adopted Procedures during Detention in Police Stations at the Level of Governorates

The study indicated that the accused are (sometimes) placed in places of detention before interrogation by (100%) of respondents in (Aden and Hadhramaut). Ibb governorate had the highest percentage of (never) placing detainees in places of detention before interrogation, with (55.6%). Taiz governorate had the highest rate of always placing the accused in places of detention before being interrogated with (50%), followed by Al-Hudaydah and Ma'rib governorates with (33.3%) for each of them.

Regarding the commitment of the police stations to refer detainees to the prosecution during the legal period of (24 hours), (75%) of respondents in Taiz governorate indicated that this occurs permanently, followed by Al-Hudaydah with (44.4%). In Hadhramaut governorate, (100%) of respondents said the referral

happened (sometimes), while in Aden governorate, (66.7%) of respondents stated that referral was sometimes respected and (33.3%) said it was never adhered to. Ibb governorate scored the highest number in terms of not committing to the referral with (44.4%) of respondents saying it never happened.

In terms of the right of the accused to have their lawyers present during interrogation, the answers largely corresponded with the obligation to refer the accused to the prosecution within 24 hours, with Taiz governorate coming first, with (75%) of respondents confirming permanent compliance with the right of the accused to have their lawyers present during interrogation. In Hadhramaut governorate, (100%) of respondents indicated that this right was (sometimes) respected. (44.4%) of respondents in Al-Hudaydah and (33.3%) in Aden stated that this right was always respected, while Amanat Al-Asemah had the lowest rate of compliance, with (56.5%) of respondents stating that this right was never respected, making it the worst governorate to comply with this right for detainees.

Taiz came first in terms of not exerting any pressure on (100%) of detainees during interrogation, followed by Ibb governorate with (88.9%). As for Aden governorate, it (sometimes) exerted pressure on detainees, as indicated by (100%) of respondents. Ma'rib Governorate was the least committed to not exerting any pressure on detainees during interrogation, with (100%) of respondents confirming they were always placed under pressure during interrogation. In Hadhramaut governorate, only (33.3%) of the respondents said that detainees were never under pressure during interrogations, (66.7%) reported that pressure was (sometimes) exerted on detainees during interrogations, but not always.

In terms of allowing detainees to be visited by their families, friends or lawyers, Ma'rib and Hadhramaut governorates scored each (100%), followed by Ibb governorate with (88.9%) and Amanat Al-Asemah with (87%). Taiz governorate was the least committed to this right and deprived (100%) of detainees of these visits, followed by Aden governorate, with only (44.4%) of respondents asserting that detainees were always visited by their families, friends or lawyers.

The study showed that (Ma'rib and Hadhramaut governorates) were always committed (100%) to documenting all cases of detention in official records,

followed by Amanat Al-Asemah with (91.3%), then Ibb governorate with (88.9%). As for Taiz governorate, it was the least committed to this legal procedure, and didn't document (100%) of detention cases in official records, while Aden and Al-Hudaydah governorates were equally committed to documenting all cases of detention in official records, with a rate of (77.8%) in each governorate.

The study also indicated that police stations in Ma'rib and Hadhramaut governorates always allowed human rights organizations to visit places of detention (100%), followed by Al-Hudaydah, Ibb and Amanat Al-Asemah governorates, with (88.9%), (77.8%), and (73.9%) respectively. Taiz governorate was also the least committed in this area, i.e. (100%) of respondents said that these visits were never allowed, while police stations in Aden governorate were always committed to this right, with a rate of only (44.4%).

With regard to allowing detainees to use the phone and access the Internet, Al-Hudaydah had the highest rate and allowed (44.4%) of detainees to always use the phone and access the internet. (100%) of respondents in Hadhramaut and Ma'rib governorates said this was sometimes allowed. The highest rate of preventing detainees to use the phone and access the Internet was recorded in Amanat Al-Asemah with (52.2%), followed by Al-Hudaydah with (44.4%), which is equal to the allowance rate. Both Aden and Ibb governorates scored the same percentage in this area, with (33.3%) of respondents in each governorate saying that detainees were never allowed to use the phone or access the Internet.

In terms of inspections of places of detention in police stations by higher authorities, Ma'rib governorate ranked first with a rate of (100%), with higher authorities always conducting inspections of places of detention in police stations, followed by Amanat Al-Asemah with (78.3%), while (100%) of police stations in Hadhramaut were sometimes subjected to these inspections. Respondents in Al-Hudaydah and Aden governorates answered that these inspections never occurred, with (22.2%) and (11.1%), respectively.

The following figures (32-38) illustrate the measures taken during detention at the level of each governorate.

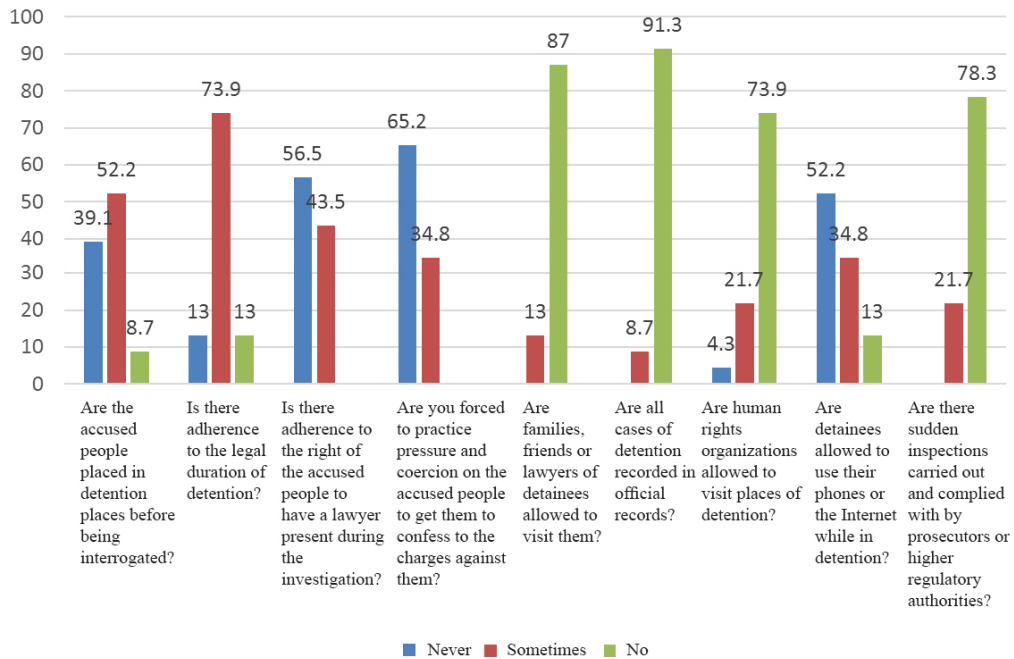
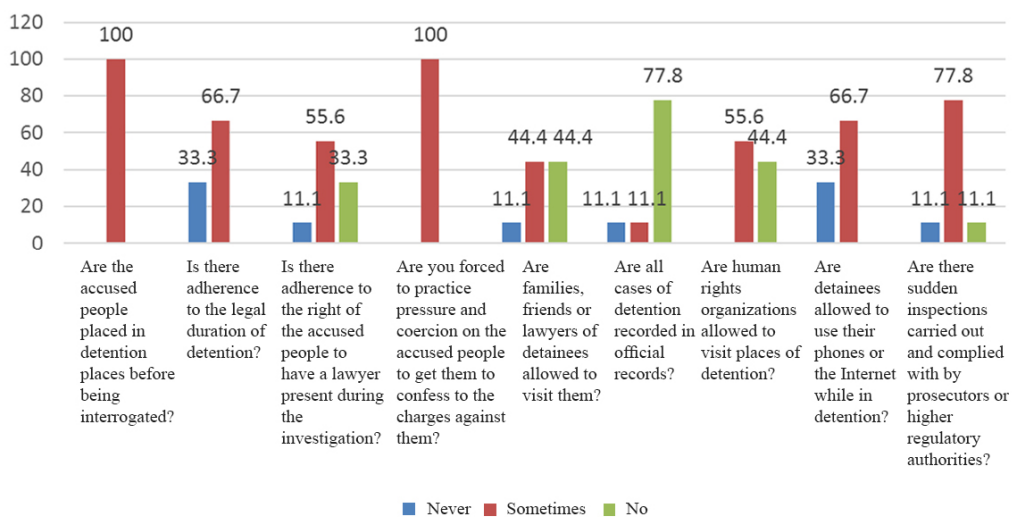
Figure (32): Procedures adopted during detention in police stations in Amanat Al-Asemah**Figure (33): Procedures adopted during detention in police stations in Aden**

Figure (34): Procedures adopted during detention in police stations in Al-Hudaydah

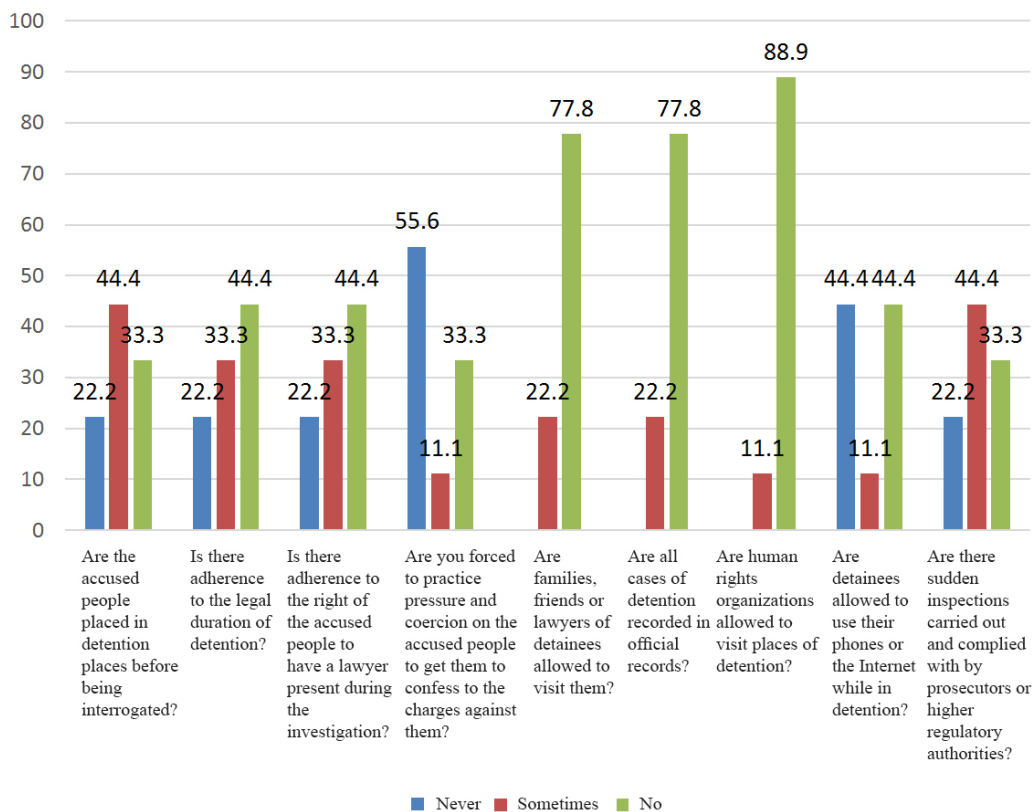


Figure (35): Procedures adopted during detention in police stations in Taiz

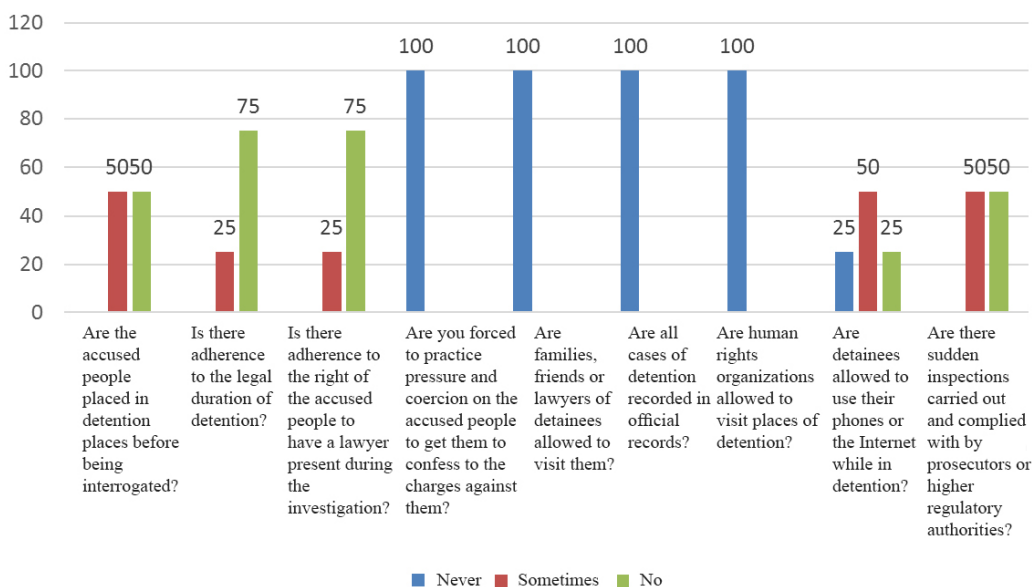
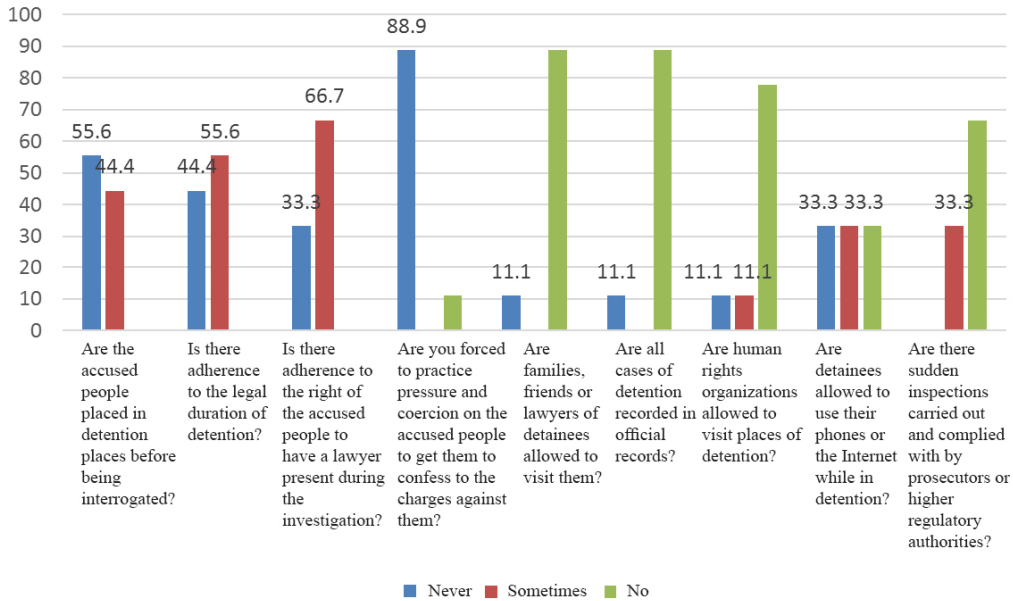
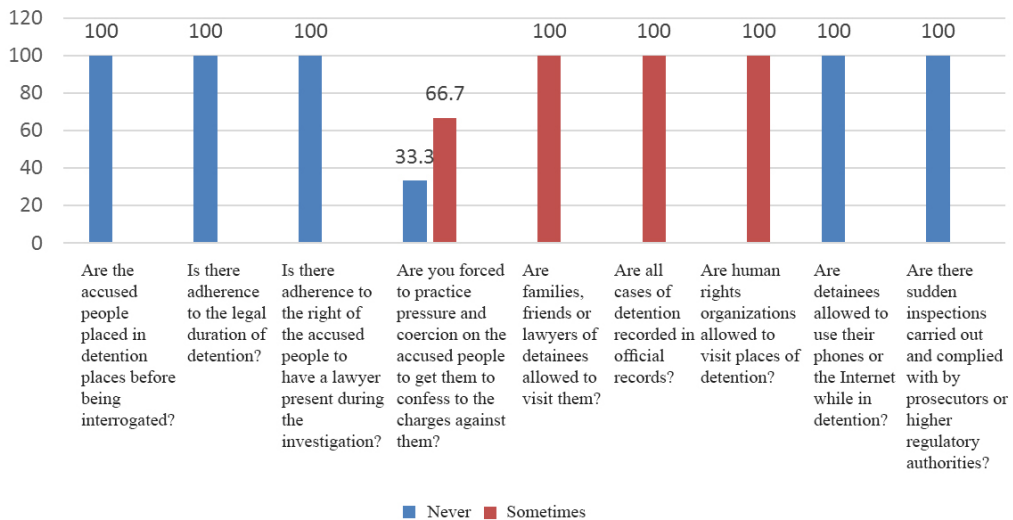
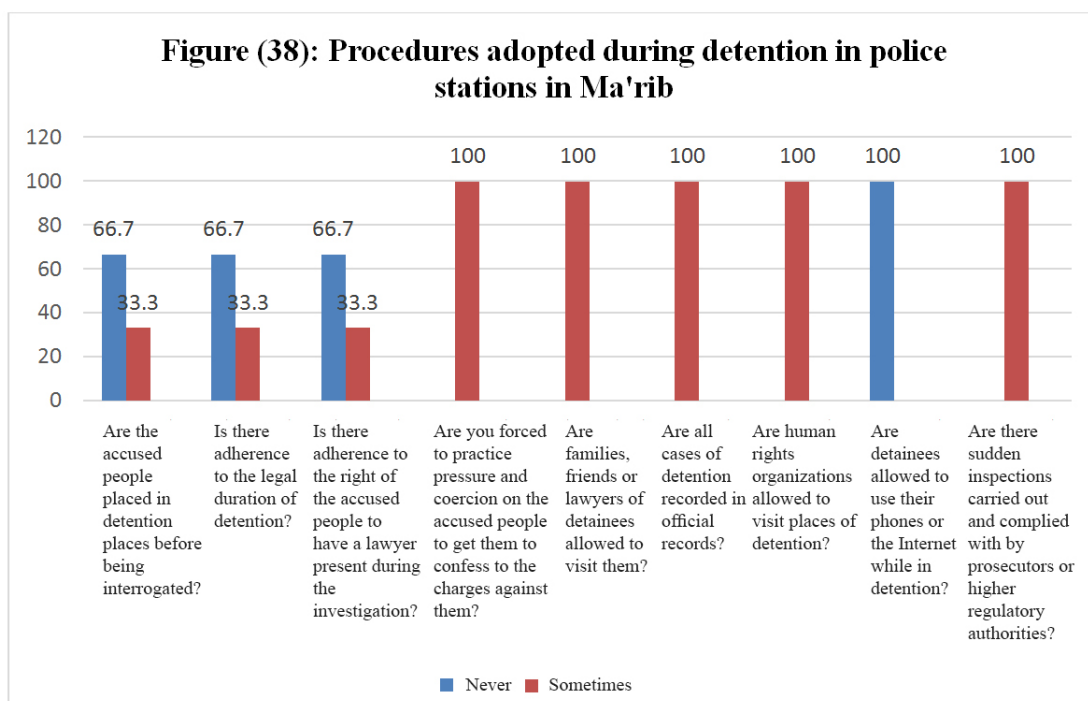


Figure (36): Procedures adopted during detention in police stations in Ibb**Figure (37): Procedures adopted during detention in police stations in Hadhramaut**



Capacities and Financial Resources of Places of Detention in Police Stations

First: Capacities and Financial Resources of Places of Detention in Police Stations at the Level of Yemen

(96.7%) of the respondents included in the study indicated that there were always documented records to maintain the data of detainees in police stations, which is an indication that the information of detainees can be recorded in accordance with local and international laws, legislation and rules, if used properly.

(88.1%) of respondents confirmed that there was always a full-time dedicated officer supervising the department's place of detention, while (11.9%) of respondents completely denied this.

The results of the study showed that the Yemeni conflict, which has been

ongoing since 2015, has significantly impacted the financial aspects and basic services in places of detention as an extension of the general situation, which led to a significant decline in the government's fulfillment of its general obligations. As noted above, the interruption of salaries of government employees has been ongoing in the civil and military sectors since August 2016. Indicators highlighted the inability of the de facto authorities to fulfill these obligations. The majority of respondents (71.7%) said that they did not receive any operational budget for police stations from the government, while only (17.6%) of them said that they always received an operational budget but some of them indicated that it wasn't sufficient. Only (28.3%) of respondents reported receiving an operational budget from their authorities, but (95%) of them said it was not sufficient.

In general, people in charge of places of detention in police stations who do not receive any operational budget from the government were reluctant to talk about alternative sources of expenditure for their centers, and a few mentioned receiving donations from (charitable actors) or from (unspecified) organizations. Some of them said they leave it up to the detainees to make ends meet on their own, and they only provide a bus to transport staff between their workplace and homes.

The study also showed that most places of detention in Yemen included in this study do not have a permanent government source for electricity service with a rate of (66.7%), compared to (33.3%) of them only that have a permanent electric current provided by the government. As for a permanent and governmental source of water, the percentage of those who receive it and those who do not receive was equal, with (50%) each.

Of the (66.7%) of the places of detention in Yemen included in this study that do not have a permanent government source of electric power, (40%) resorted to solar panels to provide the necessary energy for their centers, (30%) resorted to private sector electricity, and (14%) to small generators, while (16%) remained without any alternative source of electricity. However, none of the solar panels or small generators is sufficient to operate air conditioners in hot areas or water heaters in cold areas (if available), although they are extremely important for

detainees, especially those with health problems.

As for alternative solutions to obtain water supplies for places of detention that do not receive water from government sources, (90.9%) of the sample bought water from vehicles that sell water (water tankers), while (9.1%) remained without water, which represents a real tragedy for detainees and staff, but to a lesser extent, because they have access to water and sanitary conditions when they return to their homes after their official working hours, while the suffering of the detainees continues throughout their detention, causing the spread of infectious diseases as noted above.

(36.7%) of respondents said that there are no clean and adequate toilets for detainees and police station staff in places of detention, while (63.3%) of respondents said that there are adequate and clean toilets for detainees and police station staff in place of detention, which is a percentage higher than the one that confirmed the constant availability of water. This signifies that the problem of toilets and cleanliness is not entirely related to the availability of water, but rather to other factors such as the lack of funding to provide cleaners.

The study showed that there are cleaners who regularly clean toilets and detention rooms in more than half of the places of detention (55%), compared to (45%) of places of detention that did not have cleaners who clean the toilets and detention rooms regularly.

Regarding the capacity of the places of detention to adequately accommodate the number of detainees, (51.7%) of the respondents said that places of detention don't have sufficient space for inmates, while (48.3%) of respondents confirmed that places of detention have sufficient space for detainees.

The study showed that it is much worse in terms of providing mattresses and blankets for detainees. Only (35.6%) of places of detention provide mattresses and blankets for detainees, while (64.4%) do not provide any mattresses or blankets for their inmates, a much larger number than the one that provides these essential supplies to their inmates.

Regarding the provision of free meals to detainees, the number decreased slightly and reached a level higher than the average. (57.6%) of places of detention in the police stations surveyed provide free meals to detainees regardless of their quality and sufficiency, while (42.4%) do not provide any meals for detainees.

As for the provision of free health services to detainees when needed, the majority of the respondents (53.4%) denied providing such services to detainees, compared to (46.6%) who said that this service is provided to detainees.

(96.6%) of respondents denied holding convicted detainees (sentenced to prison terms), at the same time as accused detainees who were not convicted but (90.2%) said that if this happened, convicted detainees were not held in special and independent places of detention different than those of charged detainees, but rather they were all held in one place. Only (9.8%) of respondents confirmed that convicted detainees are held in different places than charged detainees. In other words, most places of detention do not have convicted prisoners, mainly because the study targeted places of detention in police stations, which, in terms of legal jurisdiction, are the first and temporary station for detainees before referring them to the prosecution and the competent authorities.

Moreover, (55.9%) of places of detention targeted in the study do not provide special places of detention for adults and underage juveniles, but rather adults and minors are held in the same place, while (44.1%) of places of detention provided special places for juveniles. The percentage rises to (84.7%) when talking about women, as the majority of these places do not provide special places for the detention of women, compared to (15.3%) of places of detention that provided special places for the detention of women. This is also due to the nature of the detention centers targeted by the police stations, as well as to the conservative nature of Yemeni society, which places different considerations when dealing with women. Furthermore, it is very rare for women to go or be summoned to a police station.

Table (13) clarifies the capacities and financial resources of places of detention in police stations

Capacities and Financial Resources of Places of Detention in Police Stations	No		Yes	
	Recurrence	%	Recurrence	%
Do you use records to store your detainees' data?	2	3.3	58	96.7
Is there a full-time official assigned to oversee the department's place of detention?	7	11.9	52	88.1
Do you have an operational budget for places of detention in police stations?	43	71.7	17	28.3
If the answer is (yes), is this budget sufficient to cover obligations and expenditures?	19	95.0	1	5.0
Is there a permanent (governmental) source of electricity for the department?	40	66.7	20	33.3
Is there a permanent governmental source to provide water for the department?	30	50.0	30	50.0
Are there adequate and clean toilets for detainees and department staff?	22	36.7	38	63.3
Are there cleaners who regularly clean toilets and detention rooms?	27	45.0	33	55.0
Do you have sufficient detention places for the numbers of detainees?	31	51.7	29	48.3
Do you provide detainees with free mattresses and blankets?	38	64.4	21	35.6
Do you provide detainees with free meals?	25	42.4	34	57.6
Do you provide detainees with free health services when needed?	31	53.4	27	46.6
In addition to the accused without sentencing, do you still hold detainees that have court decisions issued against them?	57	96.6	2	3.4
If the answer is yes, do you provide special places of detention for the accused and convicted prisoners?	37	90.2	4	9.8
Do you have separate detention places for adults and minors?	33	55.9	26	44.1
Do you have special places to detain women?	50	84.7	9	15.3

These indicators strongly contradict a number of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), as amended at the South African Conference (2015), and rule (13) states:

“All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being

paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”

Article (14) stipulates that: “In all places where prisoners are required to live or work:

- a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
- b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.”⁽¹⁰⁷⁾

These indicators also strongly contradict rules (15, 16 and 18) of the Nelson Mandela Rules, with rule (15) affirming that “The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.” As for Rule (16), it stipulates that “Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.”⁽¹⁰⁸⁾

Rule (18) also states that:

- 1- “Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
- 2- In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.”⁽¹⁰⁹⁾

They also contradict Rule (21) of the Nelson Mandela Rules for the treatment of Prisoners, stating that: “Every prisoner shall, in accordance with local or national

107 United Nations, Standard Minimum Rules for the Treatment of Prisoners, op. Cit.

108 Op. Cit.

109 Op. Cit

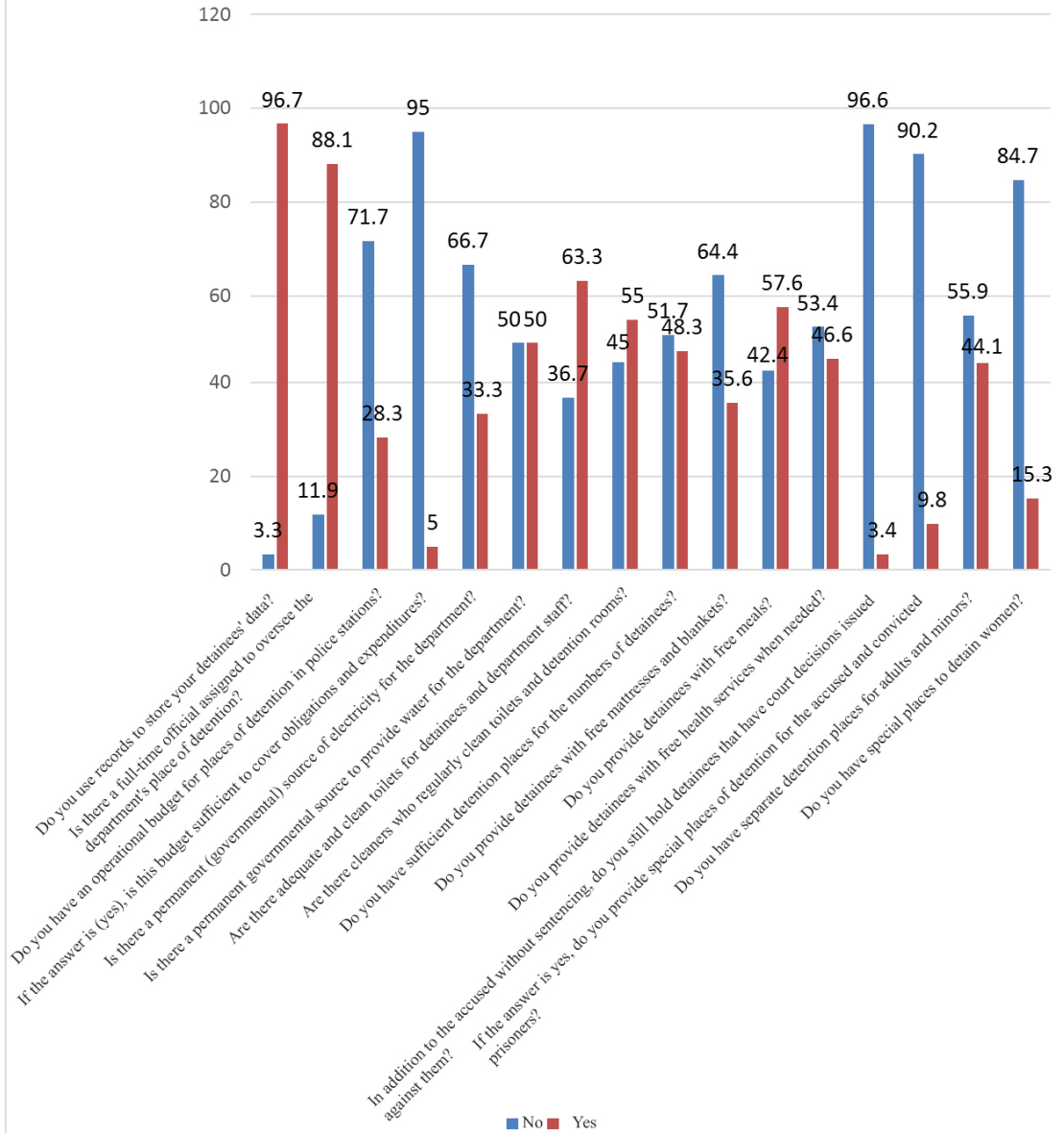
standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.”⁽¹¹⁰⁾

It is noticeable that there are clear differences in aspects relating to the treatment of detainees between the findings of the study in the section on detainees, and the findings pertaining to the section on people in charge of places of detention in police stations, while the results converged with regard to the physical structure and basic services in places of detention in police stations.

The researcher said that these differences are likely the result of the unwillingness of people in charge of places of detention to acknowledge their responsibility for practices relating to the treatment of detainees in violation of local laws and legislation and international rules for the treatment of prisoners. Furthermore, they do not see that it is their responsibility to provide the physical infrastructure and basic services, and therefore their answers converged with those of the detainees around them. Additionally, the study was carried out in exceptional circumstances namely the ongoing armed conflict in the country. Consequently, there is a high sensitivity by all parties to the conflict that have places of detention under their control and the scope of their responsibilities, to talk about these places and about the detainees there, given the opposition resulting from one party or local and international organizations against another party relating to the various types of detention and the impact on the public opinion and the possible international criticism or even sanctions of any kind now or in the future.

110 United Nations, Standard Minimum Rules for the Treatment of Prisoners, op. Cit.

Figure (39): Capacities and Financial Resources of Places of Detention in Police Stations



Second: Capacities and Financial Resources of Places of Detention in Police Stations at the Level of Governorates

Capacities and Financial Resources of Places of Detention in Police Stations	Amanat		Aden		Al-Hudaydah		Taiz		Ibb		Hadhramaut		Ma'rib	
	No%	Yes%	No%	Yes%	No%	Yes%	No%	Yes%	No%	Yes%	No%	Yes%	No%	Yes%
Do you use records to store your detainees' data?		100.0		100.0	11.1	88.9		100	11.1	88.9		100		100
Is there a full-time official assigned to oversee the department's place of detention?	4.5	95.5	22.2	77.8	33.3	66.7		100		100	33.3	66.7		100
Do you have an operational budget for places of detention in police stations?	60.9	39.1	77.8	22.2	88.9	11.1	100		77.8	22.2	100		100	
If the answer is (yes), is this budget sufficient to cover obligations and expenditures?	92.3	7.7	100		100				100			100		
Is there a permanent (governmental) source of electricity for the department?	47.8	52.2	88.9	11.1	100				88.9	11.1		100	100	100
Is there a permanent governmental source to provide water for the department?	65.2	34.8	44.4	55.6	22.2	77.8	100		44.4	55.6		100	33.3	66.7
Are there adequate and clean toilets for detainees and department staff?	30.4	69.6	77.8	22.2	44.4	55.6	50.0	50.0	11.1	88.9	33.3	66.7		100
Are there cleaners who regularly clean toilets and detention rooms?	34.8	65.2	33.3	66.7	77.8	22.2	75.0	25.0	33.3	66.7	100			100

Do you have sufficient detention places for the numbers of detainees?	47.8	52.2	44.4	55.6	88.9	11.1	50.0	50.0	44.4	55.6	66.7			100
Do you provide detainees with free mattresses and blankets?	50.0	50.0	44.4	55.6	100		50.0	50.0	88.9	11.1	66.7	33.3	66.7	33.3
Do you provide detainees with free meals?	18.2	81.8	66.7	33.3	44.4	55.6	25.0	75.0	77.8	22.2	33.3	66.7	66.7	33.3
Do you provide detainees with free health services when needed?	38.1	61.9	66.7	33.3	44.4	55.6	75.0	25.0	77.8	22.2		100	100	
In addition to the accused without sentencing, do you still hold detainees that have court decisions issued against them?	100		77.8	22.2	100		100		100		100		100	
If the answer is yes, do you provide special places of detention for the accused and convicted prisoners?	100		100		77.8	22.2	75.0	25.0	88.9	11.1	100		100	
Do you have separate detention places for adults and minors?	59.1	40.9	77.8	22.2	55.6	44.4		100	22.2	77.8	100		100	
Do you have special places to detain women?	90.9	9.1	100		44.4	55.6	75.0	25.0	88.9	11.1	100		100	

(100%) of respondents in the governorates of (Amanat Al-Asemah, Aden, Taiz, Hadhramaut, and Ma'rib) and (88.9%) of respondents in Al-Hudaydah and Ibb governorates said that official records are used to store the data of detainees in police stations, which are indications of a general trend of using records in places of detention in police stations, but this does not mean that all cases of detention are documented in these records as shown in previous paragraphs of this study.

The governorates of Taiz, Ibb, and Ma'rib were the most committed to

appointing a direct official to supervise places of detention in police stations with a rate of (100%), followed by Amanat Al-Asemah with (95.5%), while the governorates of Al-Hudaydah and Hadhramaut were the least committed in this regard with (66.7%) of their police stations assigning a direct official to oversee their places of detention.

With regard to obtaining an operational government budget for places of detention in police stations, the whole sample of the study (100%) in the governorates of Hadhramaut, Ma'rib, and Taiz, did not receive operational government budgets, followed by Al-Hudaydah, with (88.9%) of places of detention in police stations not receiving an operational budget from the government. Aden and Ibb governorates recorded the same number with (77.8%) of places of detention in police stations not receiving a government operational budget. Amanat Al-Asemah was the governorate with the highest number of places of detention receiving a government operational budget (60.9%), but (92.3%) of the respondents in the governorate said that this budget is not enough to cover the obligations and expenses required.

Although places of detention in Hadhramaut governorate had permanent government sources of electricity and water (100%), and places of detention in Ma'rib governorate received a permanent government source of electricity, none of the places of detention in police stations in Al-Hudaydah governorate received permanent government sources of electricity, with a rate of (100%). (100%) of places of detention in Taiz governorate did not have access to a government source of water, while the governorates of Aden and Ibb tied in regard to not having permanent government sources of electricity in places of detention in police stations, with only (11.1%) and only (55.6%) of places of detention in police stations in each governorate had access to government water sources.

The results of the study showed that there is a great disparity in the provision of adequate and clean toilets for detainees and staff of places of detention in police stations in the governorates surveyed. Ma'rib came first in this regard with (100%), followed by Ibb with (88.9%), and Amanat Al-Asemah with (69.6%). Aden was the governorate that struggled the most from the lack of adequate and

clean toilets for detainees and staff in places of detention in police stations with (77.8%). This disparity in the levels of availability of clean and adequate toilets is not commensurate with the availability or lack of permanent sources of water, with some governorates relying on non-governmental sources to provide water.

As for the presence of cleaners to clean the toilets and detention rooms, Hadhramaut scored the lowest number in this regard. There were no cleaners at all for this task (100%). Al-Hudaydah governorate followed with (77.8%) of places of detention not having cleaners, followed by Taiz with (75%) of places of detention not having any cleaners at all. Ma'rib governorate scored the highest percentage of (100%) in this area, followed by Ibb governorate, but with only (66.7%) of places of detention in police stations.

The study also showed that Ma'rib governorate is the only one with sufficient places of detention (100%), followed by Al-Hudaydah governorate with (88.9%). It should be noted that Al-Hudaydah governorate provided the least blankets and mattresses for detainees, with (100%), followed by Ibb governorate, with (88.9%) of places of detention in police stations not getting mattresses and blankets, and half of the places of detention in police stations in Amanat Al-Asemah and Taiz governorate also did not get these mattresses and blankets.

Regarding the provision of free meals for detainees, Amanat Al-Asemah and Taiz governorates recorded the highest numbers in providing these meals to detainees, with (81.8%) and (75%) respectively. Ibb Governorate had the lowest percentage of providing free meals to detainees in police stations permanently with only (22.2%), and the governorates of Aden and Ma'rib tied in the provision of these meals with only (33.3%) in each governorate.

As for the provision of free health services for detainees, the results of the study showed that the governorate of Hadhramaut is the only one that provides these services to detainees in places of detention in police stations permanently with (100%), followed by Amanat Al-Asemah with (61.9%). This service was the least provided for detainees in Ma'rib governorate with (100%) of detainees not receiving services, followed by Ibb and Taiz governorates with (77.8%) and (75%) of places of detention, respectively, not providing this service for detainees.

The results of the study also showed a general tendency not to keep detainees sentenced by judicial rulings in places of detention in police stations along with accused detainees that hadn't been sentenced. All governorates were committed to not keeping convicted detainees alongside accused detainees (non-convicted) in places of detention in police stations, with a percentage of (100%), excluding Aden Governorate, which had a commitment level of (77.8%).

All of the respondents in Amanat Al-Asemah, Aden, Hadhramaut and Ma'rib said that they did not provide special places of detention for accused detainees and those convicted by judicial rulings. Taiz governorate said it provided the most special places of detention for defendants and convicts, but only with a rate of (25%). It also came first among the governorates that are committed to the separation of adult and minor detainees with (100%), while the governorates of Hadhramaut and Ma'rib were the least committed to providing special detention places with (100%). They were also the least committed to finding special places for women, alongside the governorate of Aden with (100%), and then Amanat Al-Asemah with (90.9%).

The researcher, as mentioned in a previous paragraph of this study, believes that this result is due to the special social nature in Yemen, where it is rare for women to reach police stations in any type of cases. Furthermore, cases where women are involved are often resolved in an informal way and they are limited to the family or social leaders based on tribal customs, while cases beyond this framework are referred to the judiciary and not to police stations.

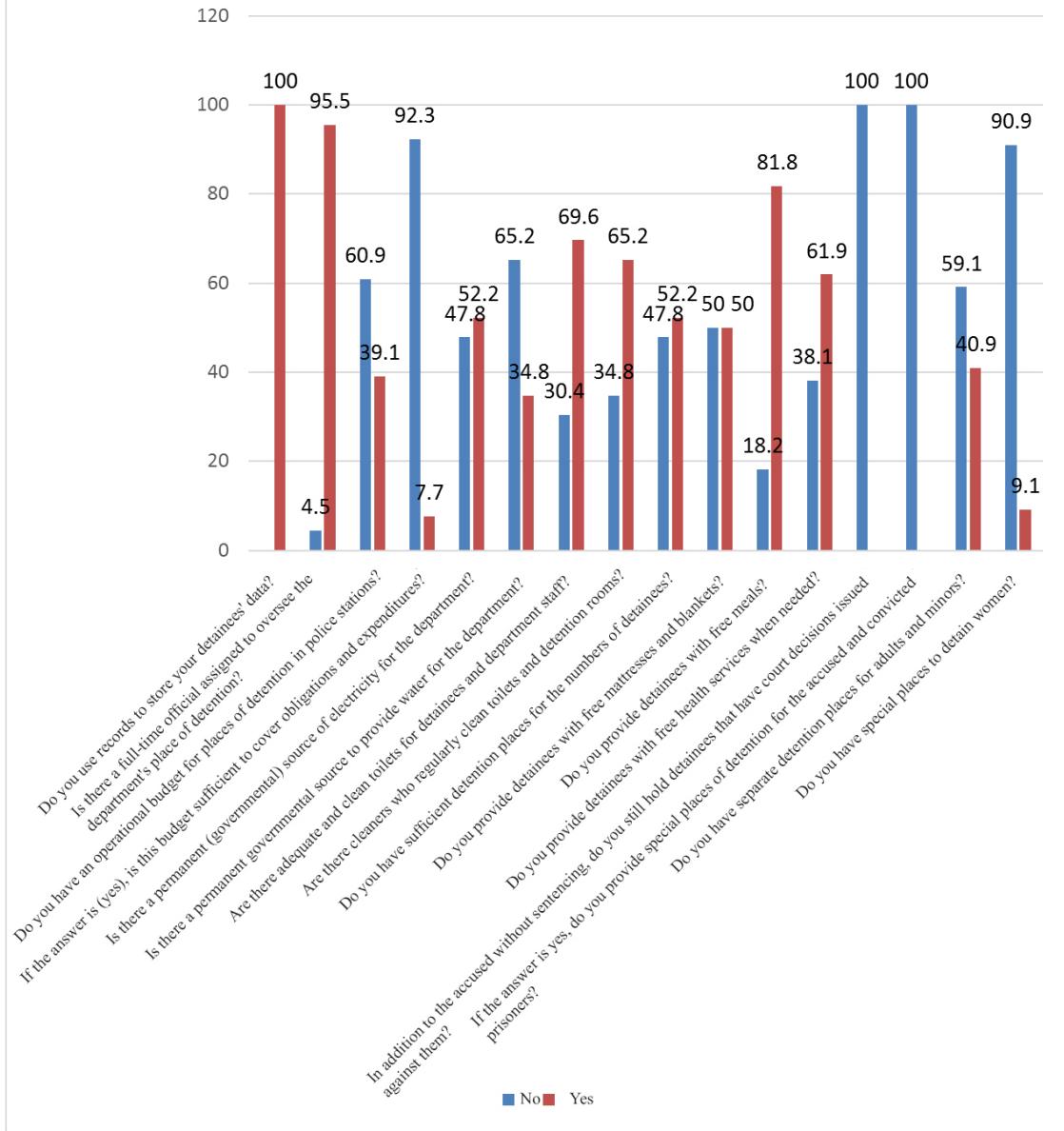
Figure (40): Financial capacity of places of detention in police stations - Amanat Al-Asemah

Figure (41): Financial capacity of places of detention in police stations - Aden

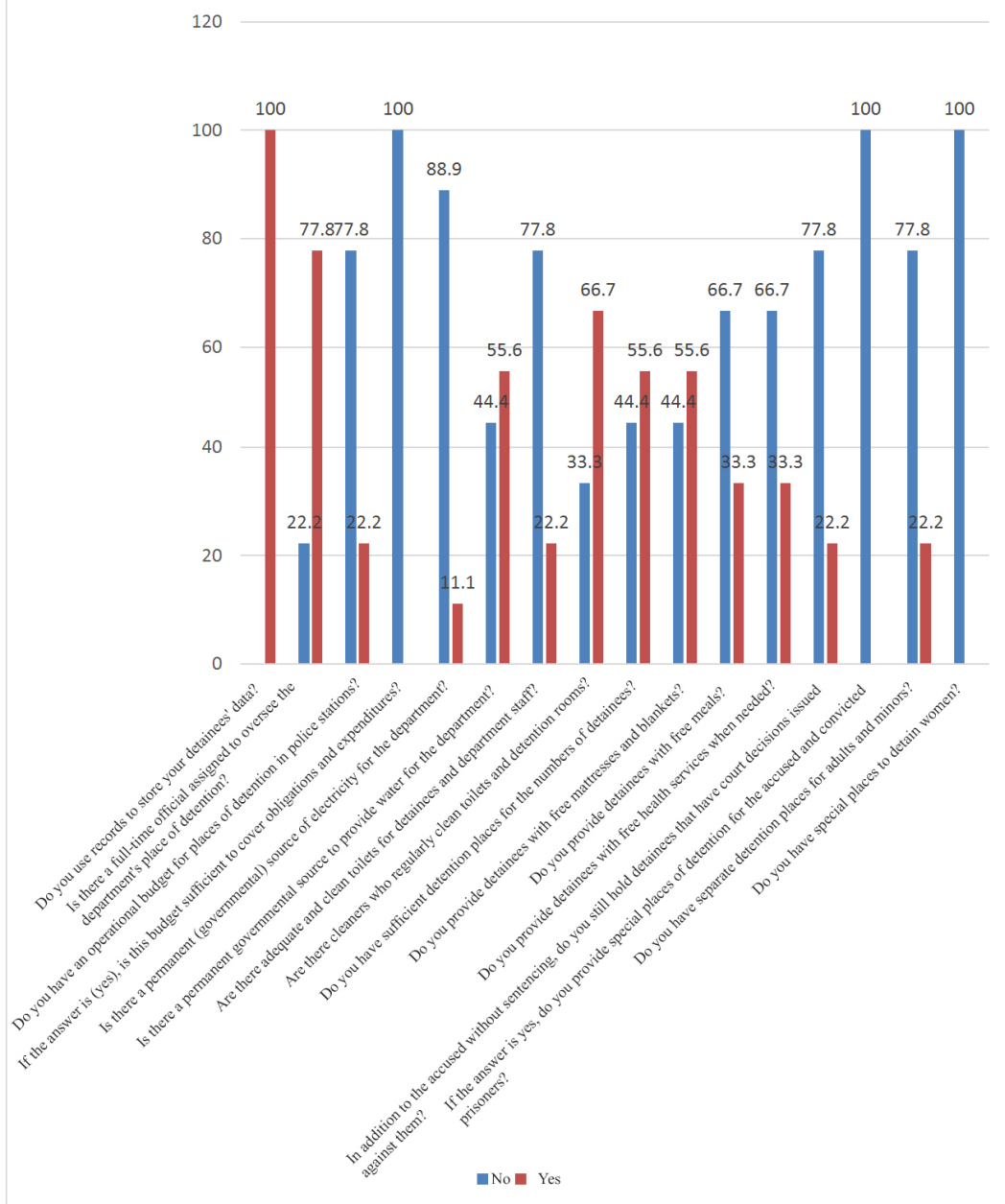


Figure (42): Financial capacity of places of detention in police stations - Al-Hudaydah

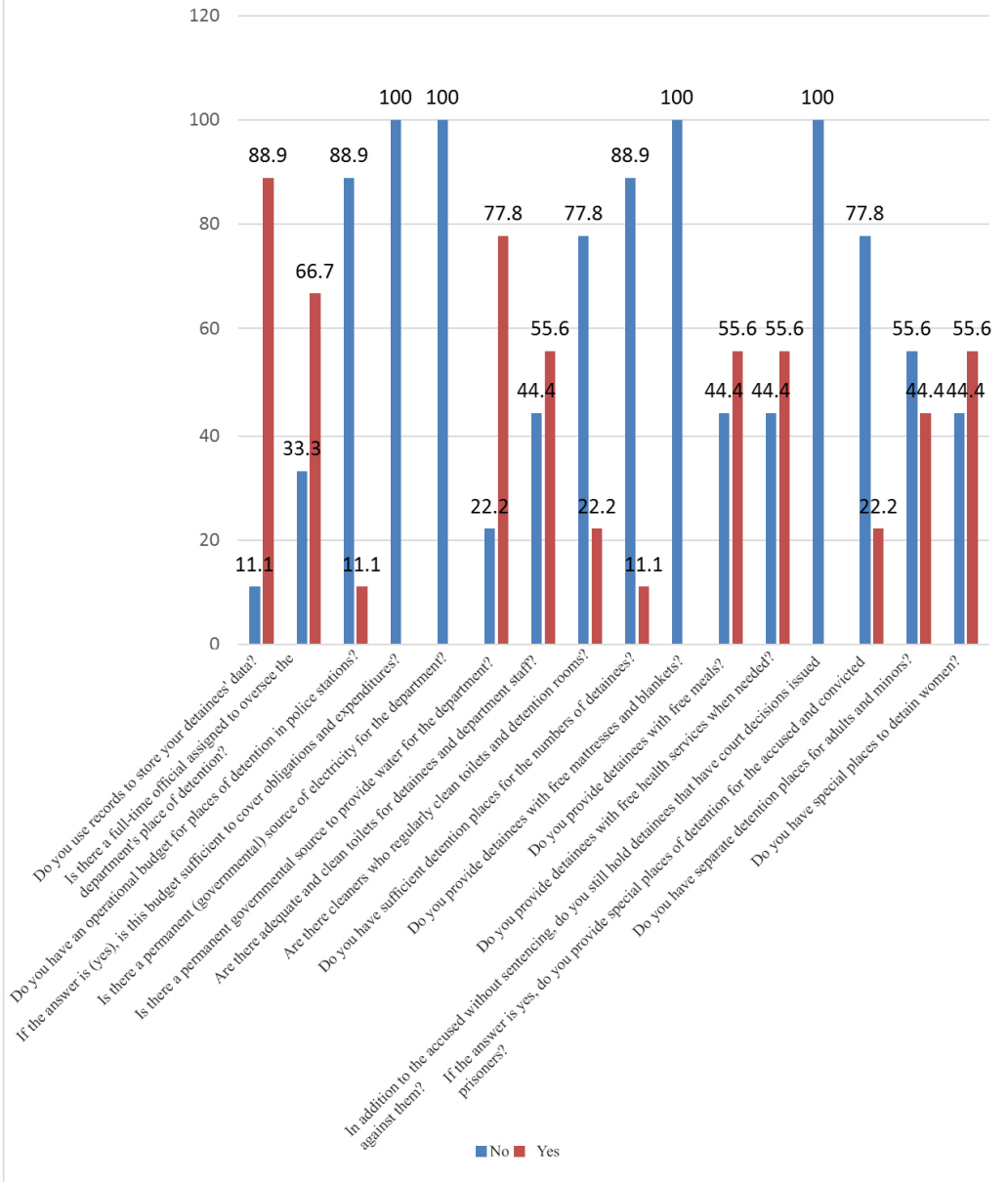
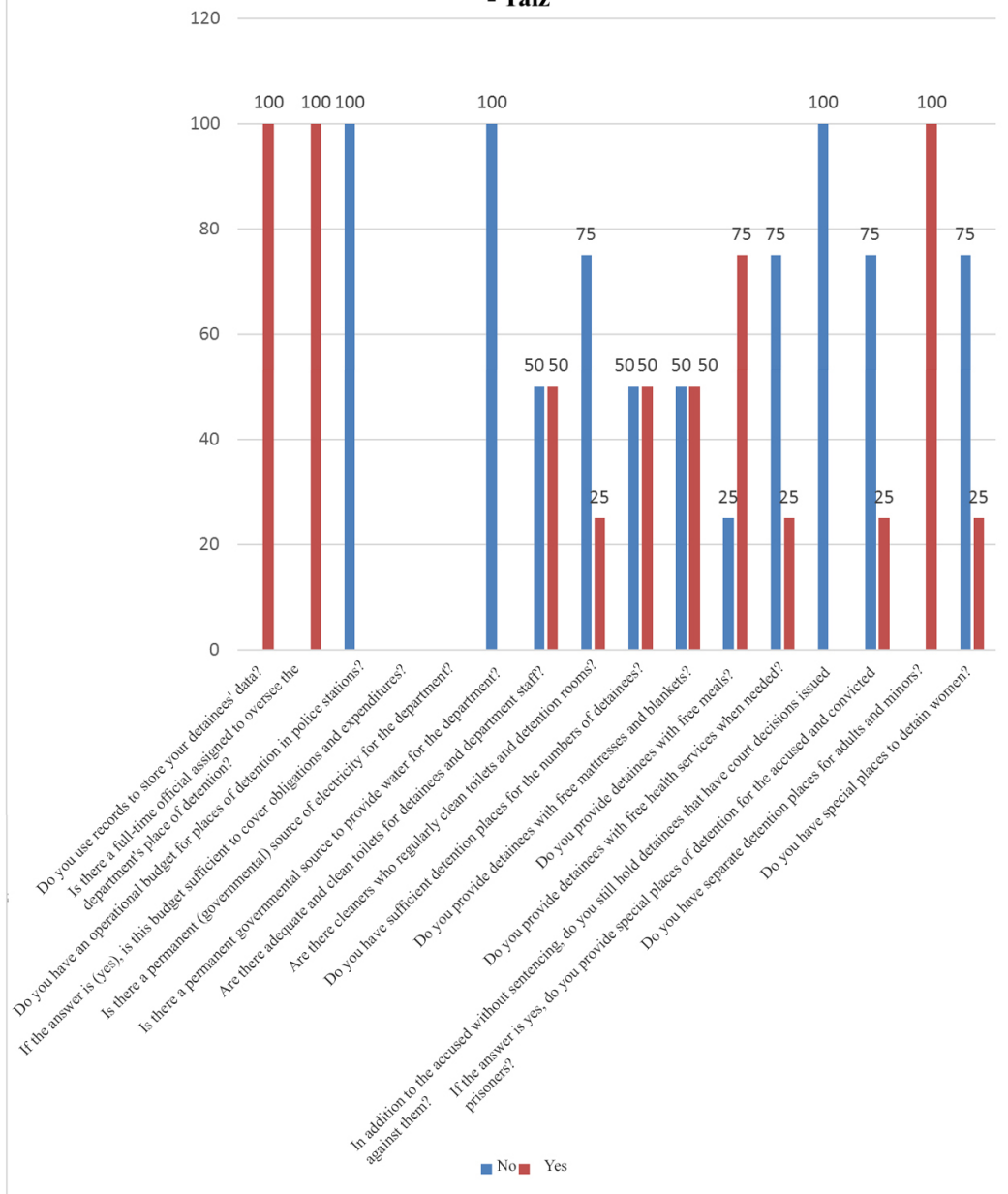


Figure (43): Financial capacity of places of detention in police stations - Taiz



**Figure (44): Financial capacity of places of detention in police stations
- Ibb**

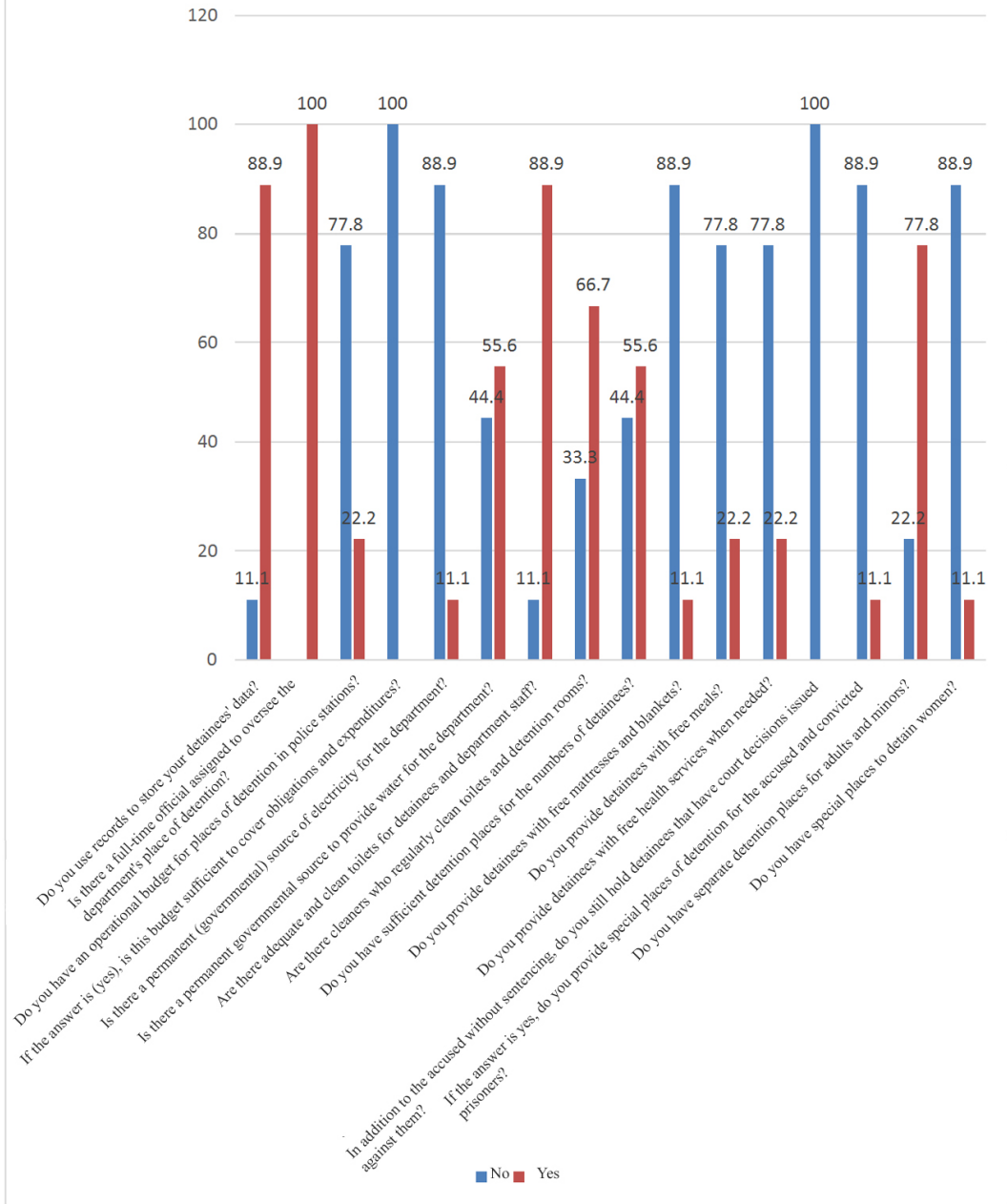


Figure (45): Financial capacity of places of detention in police stations - Hadhramaut

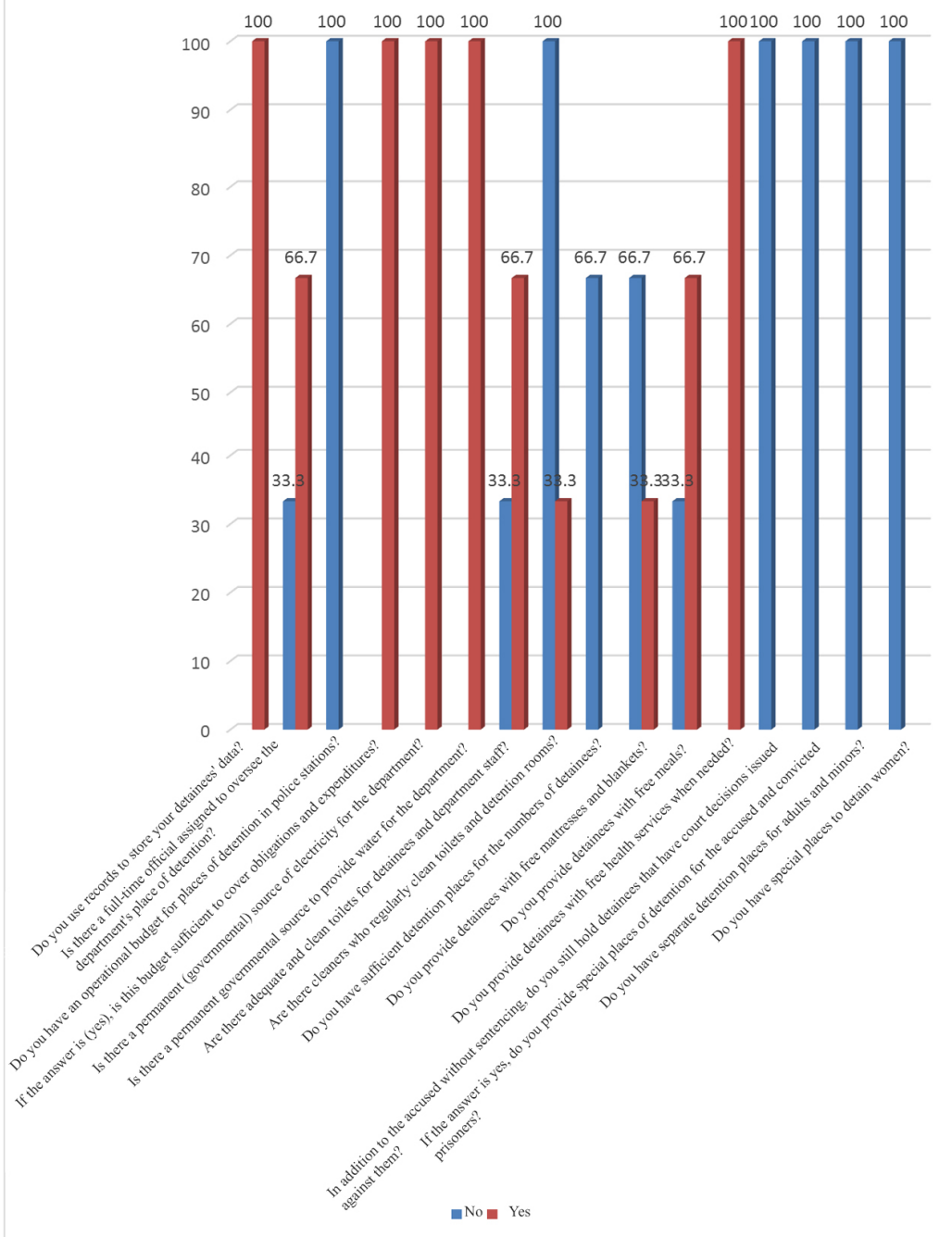
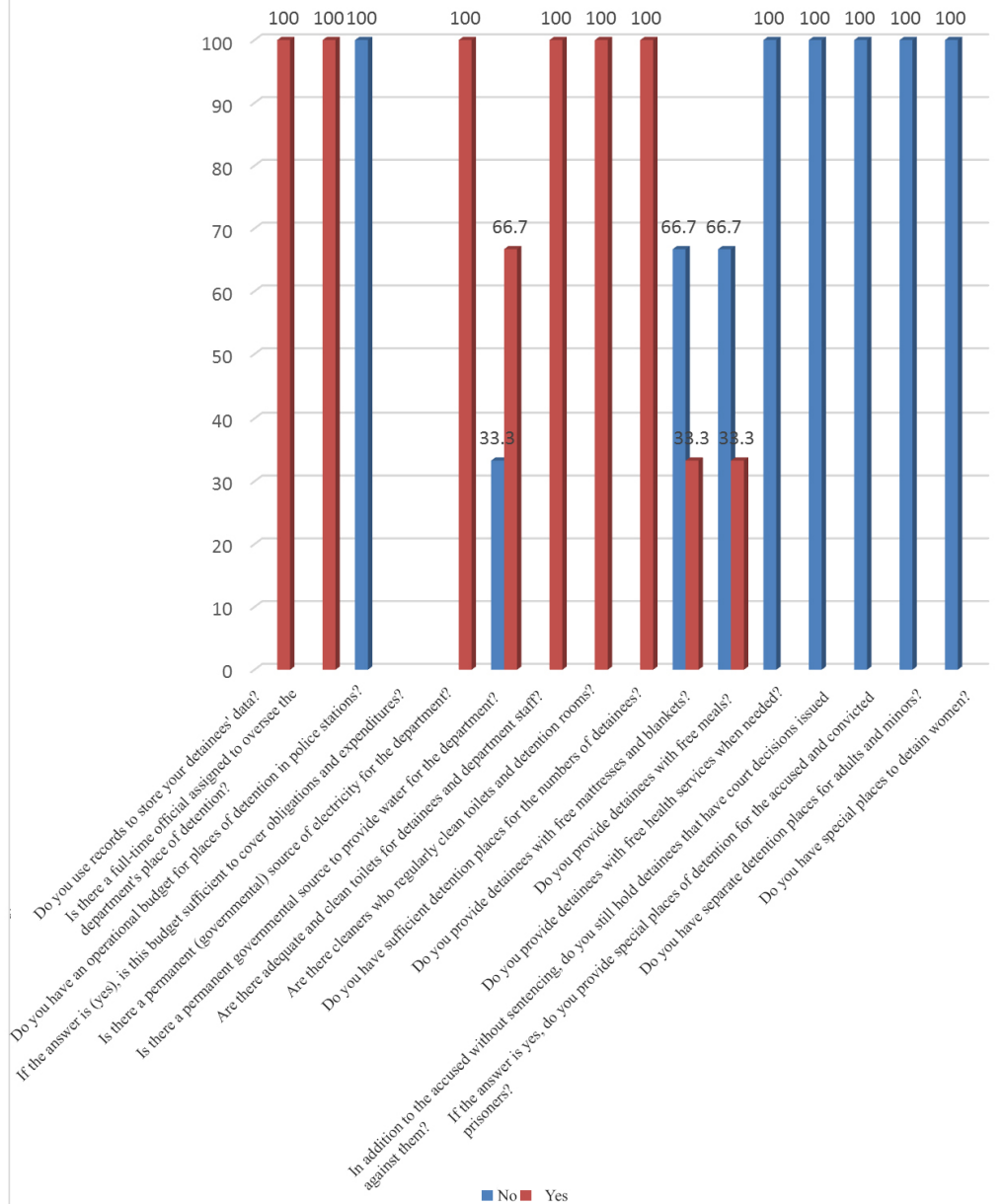


Figure (46): Financial capacity of places of detention in police stations - Ma'rib



Chapter Six

Results and Recommendations



The study aimed at providing a realistic depiction of places of detention in Yemen, including the reality of the spatial environment of buildings and services, the extent of compliance with national laws and international rules pertaining to detainees and detention procedures and the provision of moral and physical rights to detainees, in order to contribute to any future procedures related to reforming the human rights environment in Yemen, starting first and foremost, with the structure and policies of the penal institutions, thus allowing them to fulfill their legal role and preventing them from becoming a tool for human rights violations in Yemen.

In order to achieve this, the study adopted a descriptive approach in analyzing the data collected through two different forms of questionnaires and relied on national laws and international rules relating to the regulation of the work of places of detention in the analysis of data. The study produced a number of conclusions and recommendations.

Results of the Study:

The study reached several conclusions regarding the questions and objectives of the study, as follows:

- There is a general tendency not to adhere to the legal procedures for arresting detainees, in terms of summoning them before the execution of the arrest, identifying the people carrying out the arrest procedures, or showing the authorization of the prosecution or the judicial arrest warrant when executing the arrest. In addition, there were cases of detainees being held in places of detention before being interrogated, failure to explain the reasons for detention of the targeted person upon arrest, preventing them from informing their family or those whom they wish to inform, or non-compliance with recording the data of detainees in official records, and if it occurred, the percentage was below average.
- There is a general tendency not to notify the detainees of the reasons for their arrest at the time of the arrest, which also occurred in some cases

during the various stages of detention and investigation. Furthermore, the study recorded a high incidence of detention based on considerations related to the current conflict, and a high incidence of placing detainees in unofficial places of detention under the authority of the different factions affiliated with the numerous parties to the ongoing conflict in the country most notably Ansar Allah group (Houthis), Emirati forces in Yemen, military coalition supporting the authorities of President Hadi led by Saudi Arabia, Al Qaeda in the Arabian Peninsula, resistance factions within the forces loyal to the internationally recognized authorities and the Arab coalition, and the Hadrami elite forces.

Informal places of detention were distributed among residential buildings, bathrooms, private buildings, as well as civilian, military and government buildings, with cases of detention without any charges.

- There was also a general tendency of not respecting the right of detainees to have access to lawyers during their interrogation by people in charge of places of detention and their right not to answer without the presence of their lawyers. There were also cases of interrogation of detainees by persons or in the presence of people who did not belong in places of detention. Furthermore, the obligation to refer detainees to the Public Prosecutor's Office during the legal period (24 hours) was only respected in few cases.
- The study showed that places of detention in Yemen did not meet international and national standards, with regard to the spatial environment, the specifications of the buildings, and the basic services needed to be provided in places of detention. The vast majority of these places was not spacious and comfortable for the detainees, was not clean enough and did not have good ventilation and adequate lighting during the day and at night. General water and electricity services were available in a constant manner only in a few cases, as a considerable number of these places rely on alternative sources of electricity and water for their inmates, while some cannot provide alternative sources of these essential services.

Widespread access to clean and adequate toilet facilities and clean water for washing were not available to detainees who in most cases did not have access either to mattresses and blankets. In very rare cases only, they had access to personal hygiene items such as soap and shaving tools.

- The study showed a general tendency of not respecting the physical and moral rights of detainees. Some detainees did not get enough regular sleep; most did not receive free meals and beverages, and often did not receive meals and beverages when they needed them, even if they paid for them. The vast majority of detainees did not have access to writing papers or books to read when needed, and most of them were unable to get in the sun regularly. Most of them did not have either the ability to call a doctor when needed except in rare cases.
- There are many instances of conduct by officials in places of detention that contradict human rights principles and national laws during interrogation of detainees, which constitute serious indicators given their nature. It was also revealed that many detainees were also subjected to pressures during interrogation and some were forced to sign interrogation minutes. Detainees were subjected to torture using harsh methods, such as the use of electricity and burns, beatings with electric wires, suspension, kicking, beating with sticks and hands, blindfolding, breaking ribs and fingers, and physical and verbal abuse. Others were deprived of eating and sleeping as punishment after interrogation.
- There was a general tendency not to respect the right of detainees to communicate with the outside world. Allowing families and friends to visit was limited, but it was better than allowing human rights organizations to visit places of detention. The visits were extremely rare to a point that their rate was close to the rate of inability of detainees to use their phones to make calls, access the Internet or watch television. Most of the detainees didn't have the ability to make calls, access the internet or watch televisions and they weren't allowed to receive visits from human rights organizations.

- The study showcased instances where detainees were unable to file complaints against people in charge of places of detention to higher authorities, and therefore violators of national laws and international rules for dealing with detainees were not held accountable. This was reinforced by the limited regular inspections of places of detention conducted by the public prosecution and the competent authorities. Regular inspections only occurred regularly in rare cases and most places of detention were not inspected by the prosecution at all.
- The release of detainees often occurred with the submission of a commercial guarantee, sureties, under the direction of the person in charge of the place of detention, or under the direction of higher officials. Releases by the competent court or general prosecution were rare, with cases of detainees being released through prisoner exchanges; deaths in places of detention, and in many cases, release orders were not carried out on time. The reasons for the failure to execute the orders when they were issued were the procrastination of officials or their request for payment, but these cases did not represent a general trend.
- Most of the people in charge of places of detention in police stations were graduates of the police academy or college, and most of them have also received training on the laws relating to their work. However, most have not received training in dealing with detainees. The study confirmed that there are standards for appointing officials in police stations and places of detention but these standards are often not applied.
- Most police stations and places of detention did not receive any operational budget from the government, and when they did receive them, these operational budgets were not sufficient to cover their expenses.
- Most places of detention in police stations do not provide special places for the detention of women and juveniles.
- There is a wide discrepancy between the responses of detainees and people in charge of places of detention with regard to the physical and

moral rights of detainees, while the answers with regard to the spatial environment of places of detention converged among the two parties.

Recommendations of the Study

First: To the parties involved in the violation of the rights of detainees in Yemen

- Commit to respecting the guarantees and rights established by the Constitution, national laws, international instruments and treaties in all detention procedures starting from arrest to trial or release.
- Stop all violations related to detention procedures, detention environment, physical and psychological treatment of detainees, investigate violations and hold those responsible accountable.
- Deliver training on how to deal with detainees for people in charge of different places of detention to ensure the safeguarding and respect for their rights under national and international legislation.
- Close all unofficial places of detention and commit to not establishing new ones.
- Provide operational budgets for official places of detention, ensuring that basic services are regularly provided.
- Cooperate with all forms of independent investigation and allow international and local organizations to visit places of detention.

Second: To the human rights, international and local civil society

- Continue to document all violations committed against detainees, according to high professional rules that allow the use of this documentation in exercising pressure to preserve the rights of the detainees, as well as in any serious steps towards achieving justice and accountability.
- Contribute to raising awareness of the various parties of the rights of

detainees in accordance with national and international laws, and train those responsible for the process of detention.

- Contribute to raising the awareness of citizens themselves about their rights during the detention process and providing legal aid to them.
- Support the establishment of an independent international commission to look into violations of the rights of detainees in Yemen, which will monitor and inspect places of detention in all Yemeni governorates regardless of the authority they fall under.
- Prepare more specialized scientific studies according to the type of violation of the rights of detainees.

Third: To the United Nations and International Community

- Consider each party's treatment of detainees as an indication of its respect for citizens' freedom and rights, which should be reflected in the treatment of any state or international organization with that party.
- Draw up a blacklist of those who violate the rights of detainees in all regions of Yemen.
- Establish an independent international commission to look into violations of the rights of detainees in Yemen, which will monitor and inspect places of detention in all Yemeni governorates, regardless of the authority they fall under.
- Include clear provisions for any transitional justice law that may be agreed upon in Yemen to address the effects of violations committed against detainees, and ensure redress and appropriate reparations.

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Annexes



Questionnaire to study the reality of places of detention in Yemen

(For former and current detainees)

Dear respondent:

In order to identify the reality of places of detention in police stations in Yemen in a scientific and systematic manner, we hope that you cooperate with us in filling the questionnaire form in your hands, so that the results are sincere and reflective of the reality of places of detention in Yemen, so as to help develop them and provide their needs in the future and for its impact to reflect positively on Yemen and Yemenis, God willing, while noting that the period covered by the study is limited to the years between (2015-2018).

We thank you for your contribution to achieving the study's objective. The information in this questionnaire will be used only for the purposes of the study and will not be shared with any other party.

Thank you very much.

Researcher

Form Number:	
Name of Researcher:	
Date of the collection of data : _____ / _____ /2018	
Time spent by the researcher to collect data: _____ minutes	
Name of Desk Reviewer:	
Governorate:	

The data contained in this form can only be used for the purposes of the research and study.

First: Basic Data

Sex : Male ☐ Female ☐

Age: Below 18 ☐ 18 – 25 ☐ 26 – 40 ☐ 41 – 60 ☐ Above 60 ☐

Educational Level:

High School and Below ☐ High School Diploma ☐

Bachelor's Degree ☐ Master's Degree ☐ PhD ☐

Profession:

Academic ☐ Employee ☐ Journalist ☐

If other, specify.....

Place of detention (or arrest):

DistrictGovernorate

Location of Detention:

Detention in a police station..... District.....

Governorate.....

Period of Detention:

Date of Detention:..... Date of Release:.....

Duration of detention:.....

If the respondent is a relative of a detainee and not the detainee himself, please indicate the degree of kinship (.....). The above data concern the detainee and not their relatives.

Second: Specialized data

First Axis: Actions taken with detainees prior to detention in places of detention

This axis is specific to identifying the actions taken during detention. Please tick (✓) the appropriate choice.

A	Actions taken with detainees prior to detention in places of detention	Yes	No
1	I was notified in writing by the police officer/the "Elder" of the neighborhood or village		

2	Security personnel were present for my arrest by virtue of an arrest warrant/prosecution order, without prior written notification		
3	Security personnel were present for my arrest without prior notice and without a warrant/prosecution order		
4	I was arrested by unknown individuals who did not identify themselves		
5	I was arrested during working hours		
6	I was arrested in my home/workplace		
7	I was arrested in a public place		
8	I was allowed to inform my family/friends about the detention when it happened		
9	I was notified of the reasons for my detention during the detention process		
10	I was notified of the reasons for my detention after I arrived at the police station		
11	I was never notified of the reasons for my detention		
12	My data was recorded in the department's records when I arrived		
13	If you were taken to another location before or after the police station, please explain here:		

Second Axis: Nature of the charges against detainees

This axis is specific to identifying the nature of the charges against detainees.
Please tick (✓) the appropriate choice.

A	Nature of the charges against detainees	Yes	No
1	I was detained without a charge		
2	I was detained based on a suit filed by another party		
3	I was detained because of a civil case concerning the rights of others		

4	I was detained for a criminal case related to my attack on the rights/lives of others		
5	I was detained for political reasons related to the current conflict		

Third Axis: Extent of legal protection provided to detainees during their detention

This axis is specific to identifying the extent of legal protection provided to detainees during their detention. Please tick (✓) the appropriate choice.

A	Extent of legal protection provided to detainees during their detention	Yes	No
1	I was placed in detention before being interrogated		
2	I was allowed to call a lawyer before the interrogation		
3	I was allowed not to answer investigators without the presence of a lawyer		
4	I didn't want to call a lawyer and I willingly defended myself		
5	I didn't have the ability to call a lawyer		
6	I was referred to the Public Prosecution within 24 hours of my detention		

Fourth Axis: Spatial environment of places and facilities of detention

This axis is specific to identifying the spatial environment of places and facilities of detention. Please tick (✓) the appropriate choice.

A	Spatial environment of places and facilities of detention	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1	The place of detention in which I was held was sufficiently spacious and comfortable for the detainees					

2	The place of detention where I was held was well lit during the day					
3	The place of detention where I was held was well ventilated					
4	The place of detention where I was held was clean					
5	The place of detention where I was held had mattresses and a blanket					
6	The place of detention where I was held had clean and adequate toilets					
7	The place where I was held had electricity for lighting at night					
8	The place of detention where I was held had clean water for washing					
9	The place of detention where I was held provided personal hygiene items such as soap and shaving tools					

Fifth Axis: Extent of physical and moral rights provided to detainees

This axis is specific to identifying the extent of physical and moral rights provided to detainees. Please tick (√) the appropriate choice.

A	Extent of physical and moral rights provided to detainees	Always	Sometimes	Never
1	I was getting enough sleep while in detention			
2	My needs in terms of food and beverage were met when I wanted while I was detained			
3	I was getting free meals while I was detained			
4	I was getting books to read, and writing papers when needed while in detention			
5	I was regularly getting sun exposure while in detention			
6	I was able to call a doctor when needed while in detention			
7	I was not attacked by other detainees while in detention			

Sixth Axis: Interrogation methods in places of detention

This axis is specific to identifying the interrogation/investigation methods in places of detention. Please tick (✓) the appropriate choice.

A	Interrogation/ investigation methods	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1	I was interrogated without any pressure or threat					
2	I was verbally attacked (insults, swear and curse words) during the interrogation					
3	I was physically assaulted (beaten by hand) during interrogation					
4	I was forced to sign the minutes of the interrogation under duress					

5	I was interrogated by people who did not belong to the police department where I was held					
6	I was interrogated by the relevant department officer, but in the presence of other people who did not belong to the department					
7	I was subjected to deprivation of food or sleep after investigation					
8	If you were subjected to torture with different tools (sticks, electricity, burning, or any other methods), please explain and provide a description of who did it and why:					

Seventh Axis: Extent of detainees' contact with the outside world

This axis is specific to identifying the extent of detainees' contact with the outside world. Please tick (✓) the appropriate choice.

A	Extent of detainees' contact with the outside world	Always	Sometimes	Never
1	My family/friends were able to visit me while in detention			
2	I was able to use my phone to call whomever I wanted while in detention			

3	I was getting access to the Internet when needed while in detention			
4	I was getting a chance to watch TV while in detention			
5	Human rights organizations were allowed to visit me in detention			

Eighth Axis: Ability to file complaints and inspection procedures

This axis is specific to identifying the ability to file complaints and inspection procedures. Please tick (√) the appropriate choice.

A	Extent of detainees' contact with the outside world	Always	Sometimes	Never
1	I was able to submit complaints to higher authorities about the methods of treatment while in detention			
2	Officials in police stations were punished on the basis of a complaint I submitted			
3	The prosecution or other authorities conducted inspections of the place of detention during my detention			

Ninth Axis: Methods of releasing detainees. Please tick (√) the appropriate choice.

How were you released?

Prosecution Order ,() Court Ruling (),

Decision by head of department (), Directives of a higher authority(), Sureties (), Commercial Guarantee ()

Other.....

Was the release order carried out on time?

Yes () No ()

If the answer is (No), please specify the duration of the delay and its reason:

Questionnaire on the Reality of Places of Detention in Yemen for People in Charge of Police Stations/Departments

Dear respondents in Yemeni Police Stations/Departments:

In order to identify the reality of places of detention in police stations/ departments in Yemen in a systematic manner, we hope that you cooperate with us in filling the questionnaire form in your hands, so that the results are sincere and reflective of the reality of places of detention in police stations in Yemen, so as to help develop them and provide their needs in the future and for its impact to reflect positively on Yemen and Yemenis, God willing, while noting that the period covered by the study is limited to the years between (2015-2018).

We thank you for your contribution to achieving the study's objective. The information in this questionnaire will be used only for the purposes of the study and will not be shared with any other party.

Thank you very much.

Researcher

Form Number:							
Name of Researcher:							
Date of the collection of data : ____/ ____/2018							
Time spent by the researcher to collect data: ____ minutes							
Name of Desk Reviewer:							
Governorates	Amanat	Aden	Al-Hudaydah	Taiz	Ibb	Hadhramaut	Ma'rib

The data contained in this form can only be used for the purposes of the research and study.

First: Basic Data

Job Description:

Educational Level:

High School and Below ☐ High School Diploma ☐

Bachelor's Degree ☐ Master's Degree ☐ PhD ☐

Years of Experience:

1- 5 years ☐ 6 – 10 years ☐ More than 10 years ☐

DistrictGovernorate.....

Second: Specialized Data

First Axis: Experiences of people in charge of places of detention in police stations

This axis is specific to identifying the qualifications and experiences of people in charge of places of detention in police stations. Please tick (√) the appropriate choice.

A	Qualifications and experiences of people in charge of places of detention in police stations	Yes	No
1	Do you receive special training on dealing with detainees in police stations?		
2	Do you receive training on the laws pertaining to your field of work?		
3	Is the department director (or those responsible) a graduate of the Police College or Police Academy?		
4	Are all officials in the department graduates of the police academy or college?		
5	Are there any criteria that must be met for the position of director or deputy director of a police station?		
6	If yes, are these criteria met upon appointment?		

Second Axis: Adopted procedures by police stations during detention

This axis is specific to identifying the adopted procedures by police stations during detention. Please tick (√) the appropriate choice.

A	Adopted procedures by police stations during detention	Always	Sometimes	Never
1	Accused people are placed in detention places before being interrogated.			
2	The legal duration of detention is observed.			
3	The right of the accused people to have a lawyer present during the investigation is observed.			
4	You are forced to practice pressure and coercion on the accused people to get them to confess to the charges against them.			
5	Families, friends or lawyers of detainees are allowed to visit.			
6	All cases of detention are recorded in official records.			
7	Human rights organizations are allowed to visit places of detention.			
8	Detainees are allowed to use their phones or the Internet while in detention.			
9	Sudden inspections by prosecutors or higher regulatory authorities are carried out and complied with.			
10	How are the detainees release from the department: Prosecution Order ,()Court Ruling (), Decision by head of department (), Directives of a higher authority() , Sureties (), Commercial Guarantee ()			
11	What is the maximum period that a detainee can spend in the department before being released? Please mention here:.....			

Third Axis: Capacities and financial resources of places of detention in police stations

This axis is specific to identifying the capacities and financial resources of places of detention in police stations. Please tick (√) the appropriate choice.

A	Capacities and financial resources of places of detention in police stations	Yes	No
1	Do you use records to store your detainees' data?		
2	Is there a full-time official assigned to oversee the department's place of detention?		
3	Do you have an operational budget for places of detention in police stations?		
4	If the answer is (yes), is this budget sufficient to cover obligations and expenditures?		
5	If the answer is (sometimes or never), what alternative resources do you use to carry out your tasks? Please specify		
6	Is there a permanent (governmental) source of electricity for the department?		
7	If the answer is (No), how do you meet your electricity needs? Solar Energy (), Private electricity generator (), Private sector electricity (), No electricity ()		
8	Is there a permanent governmental source to provide water for the department?		
9	If the answer is (No), how do you meet your water needs? Buy water from water tankers (), No water ()		
10	Are there adequate and clean toilets for detainees and department staff?		
11	Are there cleaners who regularly clean toilets and detention rooms?		
12	Do you have sufficient detention places for the numbers of detainees?		
13	Do you provide detainees with free mattresses and blankets?		
14	Do you provide detainees with free meals?		
15	Do you provide detainees with free health services when needed?		
16	In addition to the accused without sentencing, do you still hold detainees that have court decisions issued against them?		
17	If the answer is yes, do you provide special places of detention for the accused and convicted prisoners?		
18	Do you have separate detention places for adults and minors?		
19	Do you have special places to detain women?		

Statistical tables illustrating the relationship between the profession of detainees and the extent of physical and moral rights provided to them

I was getting enough sleep while in detention						
			I was getting enough sleep while in detention			Total
			Never	Sometimes	Always	
Profession	Academic	Count	6	10	1	17
		% of Total	2.4%	4.0%	0.4%	6.8%
	Employee	Count	21	36	9	66
		% of Total	8.4%	14.5%	3.6%	26.5%
	Journalist	Count	2	3	2	7
		% of Total	0.8%	1.2%	0.8%	2.8%
	Worker	Count	12	18	16	46
		% of Total	4.8%	7.2%	6.4%	18.5%
	Student	Count	13	14	6	33
		% of Total	5.2%	5.6%	2.4%	13.3%
Total		Count	78	120	51	249
		% of Total	31.3%	48.2%	20.5%	100.0%

My food and drink needs were being met when needed while I was detained						
			My food and drink needs were being met when needed while I was detained			Total
			Never	Sometimes	Always	
Profession	Academic	Count	11	5	1	17
		% of Total	4.4%	2.0%	0.4%	6.8%
	Employee	Count	47	13	6	66
		% of Total	18.9%	5.2%	2.4%	26.5%
	Journalist	Count	3	3	1	7
		% of Total	1.2%	1.2%	0.4%	2.8%
	Worker	Count	30	11	5	46
		% of Total	12.0%	4.4%	2.0%	18.5%
	Student	Count	22	9	2	33
		% of Total	8.8%	3.6%	0.8%	13.3%

	Other	Count	47	29	4	80
		% of Total	18.9%	11.6%	1.6%	32.1%
Total		Count	160	70	19	249
		% of Total	64.3%	28.1%	7.6%	100.0%

I was getting free meals while I was being held						
			I was getting free meals while I was being held			Total
			Never	Sometimes	Always	
Profession	Academic	Count	9	7	1	17
		% of Total	3.6%	2.8%	0.4%	6.8%
	Employee	Count	31	29	6	66
		% of Total	12.4%	11.6%	2.4%	26.5%
	Journalist	Count	3	0	4	7
		% of Total	1.2%	0.0%	1.6%	2.8%
	Worker	Count	35	6	5	46
		% of Total	14.1%	2.4%	2.0%	18.5%
	Student	Count	19	11	3	33
		% of Total	7.6%	4.4%	1.2%	13.3%
Other	Count	46	23	11	80	
	% of Total	18.5%	9.2%	4.4%	32.1%	
Total		Count	143	76	30	249
		% of Total	57.4%	30.5%	12.0%	100.0%

I was getting books to read, and papers to write when needed while I was being held						
			I was getting books to read, and papers to write when needed while I was being held			Total
			Never	Sometimes	Always	
Profession	Academic	Count	16	0	1	17
		% of Total	6.4%	0.0%	0.4%	6.8%
	Employee	Count	61	5	0	66
		% of Total	24.5%	2.0%	0.0%	26.5%
	Journalist	Count	7	0	0	7
		% of Total	2.8%	0.0%	0.0%	2.8%

Profession	Worker	Count	43	3	0	46
		% of Total	17.3%	1.2%	0.0%	18.5%
	Student	Count	30	2	1	33
		% of Total	12.0%	0.8%	0.4%	13.3%
	Other	Count	78	2	0	80
		% of Total	31.3%	0.8%	0.0%	32.1%
Total		Count	235	12	2	249
		% of Total	94.4%	4.8%	0.8%	100.0%

I was regularly exposed to sunlight while in detention						
			I was regularly exposed to sunlight while in detention			Total
			Never	Sometimes	Always	
Profession	Academic	Count	13	4	0	17
		% of Total	5.2%	1.6%	0.0%	6.8%
	Employee	Count	52	12	2	66
		% of Total	20.9%	4.8%	0.8%	26.5%
	Journalist	Count	5	2	0	7
		% of Total	2.0%	0.8%	0.0%	2.8%
	Worker	Count	43	3	0	46
		% of Total	17.3%	1.2%	0.0%	18.5%
	Student	Count	33	0	0	33
		% of Total	13.3%	0.0%	0.0%	13.3%
Other	Count	62	18	0	80	
	% of Total	24.9%	7.2%	0.0%	32.1%	
Total		Count	208	39	2	249
		% of Total	83.5%	15.7%	0.8%	100.0%

I was able to call a doctor when needed while in detention						
			I was able to call a doctor when needed while in detention			Total
			Never	Sometimes	Always	
Profession	Academic	Count	14	3	0	17
		% of Total	5.6%	1.2%	0.0%	6.8%
	Employee	Count	57	6	3	66
		% of Total	22.9%	2.4%	1.2%	26.5%

Profession	Journalist	Count	6	1	0	7
		% of Total	2.4%	0.4%	0.0%	2.8%
	Worker	Count	40	6	0	46
		% of Total	16.1%	2.4%	0.0%	18.5%
	Student	Count	27	6	0	33
		% of Total	10.8%	2.4%	0.0%	13.3%
	Other	Count	65	10	5	80
		% of Total	26.1%	4.0%	2.0%	32.1%
Total		Count	209	32	8	249
		% of Total	83.9%	12.9%	3.2%	100.0%

I was not attacked by other detainees while in detention						
			I was not attacked by other detainees while in detention			Total
			Never	Sometimes	Always	
Profession	Academic	Count	16	0	1	17
		% of Total	6.4%	0.0%	0.4%	6.8%
	Employee	Count	51	6	9	66
		% of Total	20.5%	2.4%	3.6%	26.5%
	Journalist	Count	4	1	2	7
		% of Total	1.6%	0.4%	0.8%	2.8%
	Worker	Count	33	5	8	46
		% of Total	13.3%	2.0%	3.2%	18.5%
	Student	Count	22	6	5	33
		% of Total	8.8%	2.4%	2.0%	13.3%
Other	Count	60	7	13	80	
	% of Total	24.1%	2.8%	5.2%	32.1%	
Total		Count	186	25	38	249
		% of Total	74.7%	10.0%	15.3%	100.0%

Statistical tables illustrating the relationship between the profession of detainees and the methods of interrogation used

I was interrogated without any pressure or threat								
			I was interrogated without any pressure or threat					Total
			Strongly disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	5	4	1	5	2	17
		% of Total	2.0%	1.6%	0.4%	2.0%	0.8%	6.8%
	Employee	Count	15	12	9	20	10	66
		% of Total	6.0%	4.8%	3.6%	8.0%	4.0%	26.5%
	Journalist	Count	3	2	0	2	0	7
		% of Total	1.2%	0.8%	0.0%	0.8%	0.0%	2.8%
	Worker	Count	20	7	4	13	2	46
		% of Total	8.0%	2.8%	1.6%	5.2%	0.8%	18.5%
	Student	Count	13	5	2	9	4	33
		% of Total	5.2%	2.0%	0.8%	3.6%	1.6%	13.3%
	Other	Count	26	17	9	18	10	80
		% of Total	10.4%	6.8%	3.6%	7.2%	4.0%	32.1%
Total		Count	82	47	25	67	28	249
		% of Total	32.9%	18.9%	10.0%	26.9%	11.2%	100.0%

I was verbally attacked (insults, swear and curse words) during the interrogation								
			I was verbally attacked (insults, swear and curse words) during the interrogation					Total
			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	7	2	1	6	1	17
		% of Total	2.8%	0.8%	0.4%	2.4%	0.4%	6.9%

Profession	Employee	Count	15	17	3	19	12	66
		% of Total	6.0%	6.9%	1.2%	7.7%	4.8%	26.6%
	Journalist	Count	0	3	0	2	2	7
		% of Total	0.0%	1.2%	0.0%	0.8%	0.8%	2.8%
	Worker	Count	11	7	2	8	18	46
		% of Total	4.4%	2.8%	0.8%	3.2%	7.3%	18.5%
	Student	Count	5	4	1	6	17	33
		% of Total	2.0%	1.6%	0.4%	2.4%	6.9%	13.3%
	Other	Count	12	23	4	15	25	79
		% of Total	4.8%	9.3%	1.6%	6.0%	10.1%	31.9%
Total		Count	50	56	11	56	75	248
		% of Total	20.2%	22.6%	4.4%	22.6%	30.2%	100.0%

I was physically assaulted (beaten by hand) during interrogation								
			I was physically assaulted (beaten by hand) during interrogation					Total
			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	7	7	1	1	1	17
		% of Total	2.8%	2.8%	0.4%	0.4%	0.4%	6.8%
	Employee	Count	22	25	2	7	10	66
		% of Total	8.8%	10.0%	0.8%	2.8%	4.0%	26.5%
	Journalist	Count	0	5	0	0	2	7
		% of Total	0.0%	2.0%	0.0%	0.0%	0.8%	2.8%
	Worker	Count	14	12	5	3	12	46
		% of Total	5.6%	4.8%	2.0%	1.2%	4.8%	18.5%

Profession	Student	Count	6	9	1	4	13	33
		% of Total	2.4%	3.6%	0.4%	1.6%	5.2%	13.3%
	Other	Count	17	34	6	7	16	80
		% of Total	6.8%	13.7%	2.4%	2.8%	6.4%	32.1%
Total		Count	66	92	15	22	54	249
		% of Total	26.5%	36.9%	6.0%	8.8%	21.7%	100.0%

I was forced to sign the minutes of the interrogation under duress								
			I was forced to sign the minutes of the interrogation under duress					Total
			Strongly disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	5	7	1	0	4	17
		% of Total	2.0%	2.8%	0.4%	0.0%	1.6%	6.8%
	Employee	Count	15	28	5	5	13	66
		% of Total	6.0%	11.2%	2.0%	2.0%	5.2%	26.5%
	Journalist	Count	0	4	2	1	0	7
		% of Total	0.0%	1.6%	0.8%	0.4%	0.0%	2.8%
	Worker	Count	7	15	5	3	16	46
		% of Total	2.8%	6.0%	2.0%	1.2%	6.4%	18.5%
	Student	Count	5	8	3	10	7	33
		% of Total	2.0%	3.2%	1.2%	4.0%	2.8%	13.3%
	Other	Count	10	33	9	8	20	80
		% of Total	4.0%	13.3%	3.6%	3.2%	8.0%	32.1%
Total		Count	42	95	25	27	60	249
		% of Total	16.9%	38.2%	10.0%	10.8%	24.1%	100.0%

I was interrogated by people who did not belong to the police department where I was held								
			I was interrogated by people who did not belong to the police department where I was held					Total
			Strongly disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	8	5	1	2	1	17
		% of Total	3.2%	2.0%	0.4%	0.8%	0.4%	6.8%
	Employee	Count	10	22	14	8	12	66
		% of Total	4.0%	8.8%	5.6%	3.2%	4.8%	26.5%
	Journalist	Count	0	2	0	3	2	7
		% of Total	0.0%	0.8%	0.0%	1.2%	0.8%	2.8%
	Worker	Count	11	15	6	8	6	46
		% of Total	4.4%	6.0%	2.4%	3.2%	2.4%	18.5%
	Student	Count	3	8	4	6	12	33
		% of Total	1.2%	3.2%	1.6%	2.4%	4.8%	13.3%
	Other	Count	14	34	10	10	12	80
		% of Total	5.6%	13.7%	4.0%	4.0%	4.8%	32.1%
Total		Count	46	86	35	37	45	249
		% of Total	18.5%	34.5%	14.1%	14.9%	18.1%	100.0%

I was interrogated by the relevant department officer, but in the presence of other people who did not belong to the department								
			I was interrogated by the relevant department officer, but in the presence of other people who did not belong to the department					Total
			Strongly disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	6	4	2	4	1	17
		% of Total	2.4%	1.6%	0.8%	1.6%	0.4%	6.8%

Profession	Employee	Count	14	14	16	17	5	66
		% of Total	5.6%	5.6%	6.4%	6.8%	2.0%	26.5%
	Journalist	Count	1	4	0	1	1	7
		% of Total	0.4%	1.6%	0.0%	0.4%	0.4%	2.8%
	Worker	Count	6	7	10	11	12	46
		% of Total	2.4%	2.8%	4.0%	4.4%	4.8%	18.5%
	Student	Count	4	4	6	10	9	33
		% of Total	1.6%	1.6%	2.4%	4.0%	3.6%	13.3%
	Other	Count	13	18	12	21	16	80
		% of Total	5.2%	7.2%	4.8%	8.4%	6.4%	32.1%
Total		Count	44	51	46	64	44	249
		% of Total	17.7%	20.5%	18.5%	25.7%	17.7%	100.0%

I was subjected to deprivation of food or sleep after investigation								
			I was subjected to deprivation of food or sleep after investigation					Total
			Strongly disagree	Disagree	Neutral	Agree	Strongly Agree	
Profession	Academic	Count	10	7	0	0	0	17
		% of Total	4.0%	2.8%	0.0%	0.0%	0.0%	6.8%
	Employee	Count	21	36	6	2	1	66
		% of Total	8.4%	14.5%	2.4%	0.8%	0.4%	26.5%
	Journalist	Count	1	5	0	0	1	7
		% of Total	0.4%	2.0%	0.0%	0.0%	0.4%	2.8%
	Worker	Count	17	18	5	3	3	46
		% of Total	6.8%	7.2%	2.0%	1.2%	1.2%	18.5%

Profession	Student	Count	8	14	6	1	4	33
		% of Total	3.2%	5.6%	2.4%	0.4%	1.6%	13.3%
	Other	Count	19	37	10	6	8	80
		% of Total	7.6%	14.9%	4.0%	2.4%	3.2%	32.1%
Total		Count	76	117	27	12	17	249
		% of Total	30.5%	47.0%	10.8%	4.8%	6.8%	100.0%

Mwatana is an independent Yemeni organization involved in defending human rights. Mwatana started in **2007**, but the former regime of president Ali Abdullah Saleh declined to provide the organization with the permit even after re-submitting the request for several years. With the **2011** uprising that ended Saleh's regime, Mwatana was able to obtain the necessary permit on April 23, **2013**. In **2018**, the Baldwin Award recognized our work. Human Rights First announced awarding the **2018** Roger N. Baldwin Medal of Liberty to Mwatana. In the same year, the **10th** International Hrant Dink Award was granted to Mwatana for informing the world about the status of human rights in Yemen and for struggling against rights violations in the country

www.mwatana.org