



General Assembly

Distr.: General
13 February 2012

Original: English

Human Rights Council

Nineteenth session

Agenda items 2 and 10

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Report of the United Nations High Commissioner for Human Rights on the human rights situation in Yemen*

Summary

In its resolution 18/19, the Human Rights Council requested the United Nations High Commissioner for Human Rights to provide a progress report on the situation of human rights to the Council at its nineteenth session. The Office of the High Commissioner (OHCHR) therefore deployed a delegation to visit Yemen from 20 to 27 December 2011 to gather first-hand information concerning human rights developments in the country and to report on the implementation of the recommendations made to the Government and other parties by OHCHR following its previous assessment mission (A/HRC/18/21).

During the reporting period, force was used in the context of armed confrontations between Government forces and armed opposition groups, between non-State armed groups, and by Government forces against unarmed civilians exercising their right to peaceful assembly. Despite a relative lull from early December 2011 following the adoption of the agreement in accordance with the initiative of the Gulf Cooperation Council, political, tribal and sectarian tensions continue and the prospect of degeneration into civil strife remains high. Large parts of the country, including entire governorates and substantial parts of Sanaa and Ta'izz, appear to be under the partial or total control of non-State armed groups. The ongoing unrest is contributing to an increasingly dire humanitarian situation as a result of restricted access to health services, food, water, fuel, electricity and schooling. Economic activities have ground to a halt in many sectors, and many Yemenis have lost their livelihood.

* Late submission.

During extensive meetings and consultations held with representatives of the Government and civil society in Sanaa and Ta'izz, the delegation noted that some positive steps had been taken by the Government. The adoption of an agreement in accordance with the initiative of the Gulf Cooperation Council, which led to the formation of a transitional Government and paves the way for presidential elections to be held on 21 February 2012, brought relative calm and raised the prospect of a peaceful resolution. The Government adopted a decision on 15 November that establishes a framework for the implementation of resolution 18/19 and the recommendations made in the report of the OHCHR assessment mission, including the establishment of a national commission of investigation. Moreover, the Government recently released the majority of those detained in connection with the protests.

Nonetheless, the delegation also noted that Yemenis peacefully calling for greater freedoms, an end to corruption and respect for the rule of law continued to be victimized by the excessive and disproportionate use of lethal force in situations where non-lethal measures should have been used. Furthermore, insufficient steps have been taken to investigate allegations of serious human rights violations. The national commission of investigation has not yet been established.

The delegation observed that, in Sanaa, armed opposition groups continued to bring weapons into areas of public protest, thereby endangering the lives of the civilians living in or frequenting these areas. Testimonies further indicated that civilians residing in or passing through areas controlled by armed opposition groups in Sanaa and Ta'izz were subjected to routine harassment, intimidation and at times assault at the hands of armed personnel under the command of armed opposition groups.

The delegation noted the continued use of children under the age of 18 by both security forces and armed opposition groups. Children were seen by the delegation doing security checks and participating in other military activities. It also received information suggesting that civilians were still being detained by Government security forces without due process and that armed opposition groups continued to illegally detain civilians sympathizing with the Government or security personnel.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–2	4
II. Modalities of work	3–6	4
III. Background	7–18	5
A. Political context and recent developments on the ground	7–17	5
B. International legal framework	18	7
IV. Human rights situation	19–46	7
A. Human rights violations allegedly committed by Government security forces	22–34	8
B. Human rights violations allegedly committed by armed opposition groups ...	35–42	10
C. Other issues of particular concern	43–46	12
V. Implementation of the recommendations of the Office of the High Commissioner	47–55	13
VI. Conclusions and recommendations	56–63	15

I. Introduction

1. In its resolution 18/19, the Human Rights Council called upon the Government of Yemen and the United Nations High Commissioner for Human Rights to develop a framework for continued dialogue and strengthened cooperation in the field of human rights, and the international community to support this cooperation, and requested the Office of the High Commissioner (OHCHR) to present a progress report on the human rights situation in Yemen to the Council at its nineteenth session. The Council also invited OHCHR to coordinate with donors on ways to assist the Government of Yemen and non-governmental organizations with capacity-building for the establishment of a national human rights institution.

2. On 24 November 2011, the High Commissioner requested authorization from the Government of Yemen to send a delegation from OHCHR on a mission to that country, to prepare the progress report for the Human Rights Council. The Government responded favourably on 15 December 2011 and the delegation conducted the mission from 20 to 27 December. The mandate of the mission, as agreed by the Government, was:

- (a) To conduct an assessment of the human rights situation;
- (b) To obtain information from a wide range of actors, including the Government of Yemen, non-governmental and civil society organizations, victims and witnesses, and the United Nations country team.

II. Modalities of work

3. The mission was conducted in close coordination with the United Nations Resident Coordinator in Yemen, whose support throughout the mission was highly appreciated. The Government of Yemen facilitated the mission, thus allowing the delegation to meet with officials, including the Minister for Foreign Affairs, the Minister for Human Rights, the Minister for the Interior, the Minister for Defence, the Minister for Legal Affairs and the Military Committee for Achieving Security and Stability. Delegation members also met with the Governor of Ta'izz, members of Parliament, representatives of non-governmental organizations, journalists, lawyers, doctors, human rights defenders, victims and their relatives, diplomats and the United Nations country team. The delegation commends the Government for its assistance and coordination and was appreciative of the support received from all interlocutors throughout the mission.

4. The present report follows up on the report of the assessment mission of OHCHR (A/HRC/18/21), which provided information pertaining to the human rights situation from the start of the unrest in early 2011 to July of that year. The present report provides an updated assessment of the overall human rights situation in Yemen, particularly with regard to the recommendations made by OHCHR in its mission report and by the Human Rights Council in its resolution 18/19.

5. The mission delegation visited Sanaa and Ta'izz. The sites visited included the location of demonstrations, places where violence had occurred, and hospitals. Owing to time and security restrictions, the delegation was unable to visit other parts of the country; it did, however, receive scores of reports and documents, and met with a large number of people who provided first-hand information about numerous other locations.

6. The documentation received has been archived for appropriate future use.

III. Background

A. Political context and recent developments on the ground

7. During the period under review, Yemen continued to witness varied levels of violence throughout the country, ranging from sporadic outbursts of violence to situations of protracted armed confrontation. Force was used in the context of armed confrontations between Government forces and armed opposition groups, between non-State armed groups, and by Government forces against unarmed civilians exercising their right to peaceful assembly. After a relative lull in early December following the adoption of an agreement paving the way for a transitional government and presidential elections, political, tribal and sectarian tensions continue and the prospect of degeneration into civil strife remain high. Large parts of the country, including entire governorates and substantial parts of Sanaa and Ta'izz, appear to be under partial or total control of non-State armed groups. The ongoing unrest is contributing to an increasingly dire humanitarian situation by restricting public access to health services, food, water, fuel, electricity and schooling. Economic activities have ground to a halt in most sectors, and many Yemenis have lost their livelihoods.

8. On 21 October, the Security Council adopted resolution 2014 (2011), its first on Yemen, in which it strongly condemned the continued human rights violations by the Yemeni authorities and the human rights abuses perpetrated by other actors, and stressed that all those responsible for violence, human rights violations and abuses should be held accountable. The Council also demanded that the Yemeni authorities ensure that their actions comply with obligations under applicable international humanitarian and human rights law, and that all opposition groups refrain from violence and cease the use of force to achieve political gains.

9. The Government of Yemen and leading members of the opposition signed an agreement on 23 November in Riyadh. The agreement, on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council, paved the way for a transition process leading to early elections on 21 February 2012. The Vice-President was selected as the consensus candidate to be leader ad interim during the process.

10. A number of steps were taken to carry out the first phase of the agreement. Firstly, Prime Minister Basendwa oversaw the formation of a new Government of national unity – a coalition of the General People's Congress, the Joint Meeting of Parties opposition coalition and independent figures that were sworn into the new 34-member Cabinet on 10 December by Vice-President Abd Rabbo Mansour Hadi. The new Cabinet includes only three female ministers, despite pledges in the agreement to improve women's representation. Secondly, the Vice-President established the Military Committee for Achieving Security and Stability, consisting of senior security officials from both Government forces and forces supporting the opposition. While the Committee has to date focused its work on Sanaa, it undertook a brief visit to Ta'izz.

11. The signing of the above-mentioned agreement for the transition was accompanied by widespread protests and criticism by activists and human rights groups. In particular, there was strong opposition to the provision, in the Gulf Cooperation Council initiative, of a broad amnesty for the President and his associates. Activists and rights groups called for accountability for crimes committed, in particular since the beginning of the unrest. Violent clashes ensued, initially in Sanaa, then in Ta'izz. During the visit, the delegation noted a general situation of calm in Sanaa, as Government security forces gradually withdrew from

throughout the city. The violence resumed, however, with the killing of unarmed protesters in Dar Salm, at the entrance to Sanaa, on 24 December.

12. During the reporting period, Sanaa witnessed sporadic outbreaks of violence and frequent use of lethal force by Government security forces. On 18 and 19 September, security forces opened fire on protesters. In the following days, coinciding with the return of President Saleh from Saudi Arabia on 23 September, violent clashes between Republican Guard and Central Security Forces against soldiers loyal to defected General Ali Mohsen resulted in the killing of dozens of civilians caught in the crossfire. During the clashes, numerous civilians were arbitrarily arrested; according to information provided to the mission, at least four people were subjected to torture while in detention. The awarding, on 7 October, of the Nobel Peace Prize to a Yemeni human rights defender, Tawakkul Karman, together with two other women from Liberia, was celebrated by large demonstrations across Yemen, which were met with violence by security forces, especially in Ta'izz.

13. On 24 December, Government security forces and individuals wearing civilian clothes attacked protesters using batons, water cannon and live ammunition, allegedly killing at least nine people and injuring dozens. The protesters had set off from Ta'izz and were participating in the "march of life" protest.

14. Violent clashes in Ta'izz had begun on 29 and 30 May when Government forces used live ammunition against peaceful protesters in Freedom Square. In response, anti-Government groups mobilized in and around Freedom Square and took control of a large part of the city. This resulted in a marked increase of violence, with Government forces attacking areas occupied by anti-Government groups loyal to Sheikh Hamood al-Mikhlaifi and Sadiq Serhan (affiliated to General Ali Mohsen's First Armoured Division) from afar, using such heavy weaponry as tanks, mortar shells and machine guns. The anti-Government groups retaliated, using machine guns and rocket-propelled grenades to attack Government forces positions, including civilian buildings temporarily used by Government forces.

15. The region of Arhab, a sparsely populated yet highly exposed area some 20 kilometres north of the capital and largely under the control of armed opposition groups, witnessed intermittent violent clashes between the Republican Guard and armed tribesmen. In August, fierce fighting between Government forces and their opponents resulted in the killing of several soldiers and at least 20 rebel fighters, according to reports. Throughout the reporting period, military planes reportedly carried out several attacks, bombing targets and killing an unknown number of people. According to testimonies and reports received during the mission, the attacks on Arhab were carried out by Government forces in coordination with tribal allies, with the use of the air force, tanks, long-range missiles, heavy artillery and snipers. Eyewitnesses alleged the widespread destruction of public and private infrastructure and described the continued attacks as constituting a siege, severely restricting the population's right to freedom of movement and at times denying them humanitarian access. Figures concerning the exact number of people killed or injured could not be verified.

16. Similar patterns of violence were witnessed in other localities across the country. Most parts of the governorate of Abyan and a number of towns in the governorate of Shabwa remain under tight control of armed men from Ansar al-Sharia, a group allegedly linked to Al-Qaida. The delegation heard allegations that Ansar al-Sharia imposed a strict interpretation of Islamic law, which had resulted in at least one public execution of a 15-year-old following a summary trial that did not comply with international human rights standards. A religious teaching centre in Dammaj, a village in the northern governorate of Saada, became a flashpoint of violence between followers of Abdelmalek al-Houthi and Salafi militia. The former claimed that Salafi students in that area had not respected an agreement to lay down their weapons. A number of attempts by activists or tribal and

political figures to mediate between the groups had failed. Confrontations were also witnessed in Jawf and Hajja governorates, and led to a general increase in the use of sectarian rhetoric across the area amounting to incitement to war. The entire governorate of Saada and neighbouring governorates of Hajja and Jawf were reportedly under the control of Houthi militia, with negative consequences for the enrolment of girls in schools, freedom of expression and access for humanitarian agencies.

17. At the end of December, employees and students of a number of public institutions, ministries and public corporations, as well as certain military units throughout the country (including the national airline carrier, banks and education facilities) started to forcibly evict their heads from their positions on the basis of allegations of corruption. Dozens of managers and officials were subjected to public humiliation or physical violence, and most of them no longer have access to their places of employment. The new Government called for an end to this practice, but was unable to stop it or to provide protection to those affected, whose due process rights were ignored.

B. International legal framework

18. Yemen is party to eight of the nine core international human rights treaties.¹ In reviewing the State's implementation of its treaty obligations, the human rights treaty bodies have noted that violations of civil, political, economic, social and cultural rights persist on a considerable scale. The treaty bodies have also expressed deep concern at the limited progress made in implementing their observations and recommendations, as well as a lack of cooperation with the treaty bodies themselves.²

IV. Human rights situation

19. A wide range of human rights violations was documented across the country during the period under review. The main allegations related to the continuous use of lethal and disproportionate force against mostly peaceful protesters by Government forces and affiliated groups, and the prevailing impunity for most perpetrators of such violations. Moreover, clashes involving different configurations of Government and anti-Government forces and armed tribesmen continued with a general disregard for civilian life. The members of the mission were unable to obtain precise figures concerning the number of people killed or injured. The figures received from various sources varied considerably and did not always make a distinction between the killings and/or injury of unarmed protesters and other civilians from fighters from all armed groups and forces.

20. Information was received during the mission from Government sources and some civil society organizations according to which a significant number of Government security personnel were killed during confrontations with armed opposition groups in Ta'izz. Many members of the armed forces, paramilitary and police units have lost their lives or been severely injured in recent months. Information was also received concerning the killing of

¹ Yemen is not party to the International Convention for the Protection of All Persons from Enforced Disappearance.

² The treaty bodies often refer to "widespread" and "continuing" violations. The Committee for Economic, Social and Cultural Rights noted that the State's report was "not complete in its coverage of all the rights laid down in the Covenant" and that "the State's replies to the list of issues did not provide a systematic response" (E/C.12/YEM/CO/2). The Committee against Torture noted with concern that "the conclusions and recommendations it addressed to Yemen in 2003 have not been sufficiently taken into consideration" (CAT/C/YEM/CO/2).

at least five security officers in Ta'izz. Bombings and shootings in Aden by alleged members of Ansar al-Sharia have targeted security officials.

21. The delegation noted the continuous mobilization of armed opposition groups in areas where public protests were taking place. They also noted with concern the widespread enlistment of children within the armed ranks of Government and anti-Government forces.

A. Human rights violations allegedly committed by Government security forces

22. The mission documented widespread allegations of extrajudicial killings and excessive use of force by security forces and affiliated groups against civilians and civilian targets. Uniformed security forces and plain-clothed armed men reportedly opened fire on demonstrators at street level and from rooftops on a number of occasions throughout the reporting period. The criminal proceedings initiated following the events of 18 March in Sanaa, when security forces opened fire on protesters, killing approximately 50 civilians, have been slow, with only four hearings of the trial of 78 defendants. The same applies for the investigation of the incident of 29 May, when Freedom Square in Ta'izz was attacked and burned. Prosecutors in Ta'izz expressed their readiness to investigate and prosecute those responsible, but complained of a lack of cooperation by most victims and their families.

23. The delegation requested the Government to provide information on (a) any disciplinary measures taken against officers accused of excessive use force or of committing other forms of serious human rights violations against civilian targets; (b) progress made in the establishment of a national commission to investigate human rights violations; (c) any information on the establishment of a national commission to provide compensation and reparations; (d) progress in investigating the incidents in Dar Salm, where at least nine protesters were shot dead by security officers or individuals associated with them on 24 December; and (e) any progress made in other investigations tied to the current unrest. At the time of drafting the present report, the delegation had not received any written information from the Government on the above issues.

24. During the violence of 18 and 19 September in Sanaa, members of the Central Security Forces³ reportedly opened fire on protesters in the neighbourhood of Al-Qa', killing as many as 30 civilians. On 23 October, security forces and plain-clothed armed men reportedly opened fire on protesters in the neighbourhood of Zubairy, killing five protesters. On 24 November, members of the Central Security Forces, in conjunction with plain-clothed armed men, reportedly attacked protesters near Sanaa's Change Square using live ammunition, killing as many as five civilians and injuring dozens. On 25 November, security forces attacked protesters marching from Change Square through Zubeiry street. Security forces reportedly attacked the protesters with water cannon and teargas, while plain-clothed armed gunmen opened fire, killing one protester and injuring several others.

25. The excessive use of force was documented in relation to the events of 24 December, when security forces attacked thousands of protesters who had set off from Ta'izz in what became known as the "march of life." The delegation interviewed numerous eyewitnesses, who provided consistent accounts that security forces unjustifiably resorted to the use of live ammunition in Dar Salm, at the entrance of Sanaa, killing at least nine civilians and injuring many more. The delegation was visiting the field hospital, set up by opposition groups in Change Square, just as some of those who had been killed or wounded

³ See A/HRC/18/21, paras. 22-27.

at Dar Salm were brought in for emergency treatment. One of the protesters killed had been shot in the neck, while another had been shot in the face. Both cases and witness accounts clearly suggest that security forces resorted to the use of lethal weapons in circumstances where their lives were not in danger.

26. Following the above-mentioned events, the Government claimed that it allowed protests to take place and only resorted to the use of force if their forces were being attacked or if protesters attacked a high-security location. It remains unclear whether this was the case for the above-mentioned attacks.

27. The delegation received information indicating that some protesters challenged security officers by trying to force their way into an area of Sanaa that was off limits, according to a plan prepared under the direct instruction of the Minister for the Interior, forcing security officers to intervene to redirect them towards the previously agreed upon route leading to Change Square. According to witnesses, many security forces conducted themselves in accordance with the law and resorted to non-lethal methods to counter the protesters, for example through the use of batons and water cannon. Witness statements and documentation indicate that the security forces had no justification for resorting to the use of lethal means. Evidence of this is the fact that no serious injuries or casualties were reported by the security forces. Moreover, the “march of life” started out from Ta’izz days earlier and the Government had sufficient time to ensure that security officers were properly instructed on circumstances that might justify the use of lethal force.

28. In Ta’izz, four peaceful protesters were allegedly shot dead by Government security forces in Freedom Square on 18 and 19 September, and three women died on 11 November from tanks shelling Freedom Square from near the Thawra hospital. On the same day, tanks opened fire on Al-Rawdha, and nine shells reportedly hit Al-Rawdha hospital, resulting in the death of a female patient and the injury of others. Patients had to be evacuated to the basement. According to several reports and witnesses, more than 50 civilians, including women and children, had been killed in Ta’izz since early October as a result of the excessive use of force by Government forces. Rights groups also reported cases in which peaceful protesters were arbitrarily arrested. Witnesses reported that security forces targeted any grouping of more than a few individual on the streets of Ta’izz during that time.

29. Various sources provided conflicting accounts of the events from July to December 2011 in Ta’izz. Security officials described repeated attempts by armed opponents to seize the city and expel public security and army units, in addition to killings of supporters of the General Peoples’ Congress and occupation of public buildings, which compelled them to resort to force to maintain Government authority. They insisted that force was used only when necessary and with great care to preserve the life of civilians, and denied that indiscriminate shelling ever took place, stating that their opponents were also to blame for the shelling and targeted killings of security personnel and civilians. At the same time, human rights defenders, opposition groups and leaders of armed opposition groups reported incidents of massive violence unleashed repeatedly from a “security belt” around and above the city (during the fighting, heavy guns were positioned on Ta’izz citadel, which has commanding views over the surrounding area) with dozens of tanks and other weapons involved. This also hampered movement and access to emergency medical services. The delegation collected witness accounts and documents indicating that, whatever the precautions taken, a large number of unarmed civilians had been killed. The use of artillery and tanks, which are not available to the armed opposition, was certainly responsible for the high human toll and mass displacement.

30. Similar allegations emerged from Al-Hodeidah, where security forces were alleged to have opened fire on protesters on 23 October, injuring as many as 30 people. On 5 November, one person was allegedly killed and 28 injured as a result of the excessive use

of force by security forces. The delegation obtained limited information concerning the circumstances of these attacks.

31. The delegation received information regarding cases of individuals allegedly tortured while in Government custody in detention centres in Sanaa. At least two of the cases concerned people held in secret detention centres controlled by the Central Security Services. The delegation interviewed two victims with visible signs of torture and who claimed to have been subjected to sexual abuse while in detention. In Ta'izz, the delegation met with civilian and security personnel who claimed to have been tortured by armed opposition groups.

32. The delegation also noted the continued and widespread use of child soldiers within the ranks of forces under Government control. The Minister for Defence and the Minister for the Interior challenged the allegations, reiterating that the recruitment of children under the age of 18 into Yemeni forces was against the law. They did, however, pledge to investigate this matter and to promote measures to end the practice and to demobilize those who had already been recruited. The delegation was informed that the new Minister for Human Rights had personally written to a number of Cabinet members and leaders of armed groups requesting them to desist from using children in their forces. A children's rights organization claimed that it had recorded statements against the recruitment of children from the same leaders, to be broadcast on television.

33. In the assessment mission conducted in June 2011, the delegation called on the Government to refrain from actions that deprived the population of such basic services as electricity, fuel and water, and to take action to help restore basic services. The partial removal of security barriers and checkpoints across Sanaa is a welcome development that enables a tangible yet limited return to normality. The delegation received a number of allegations concerning security forces targeting water and/or electricity providers; this information could not, however, be verified. The delegation also received information that the Government at times occupied structures destined for civilian use; for example, in Ta'izz, Government forces were alleged to have occupied the Thawra Hospital (the largest in the governorate of Ta'izz and responsible for providing health care for the vast majority of the inhabitants of Ta'izz) for several days and used a nearby health institute to position tanks engaged in shelling areas inhabited by civilians and Freedom Square.

34. In the assessment mission report, the delegation also advised the Government to devise a programme for the protection of all those affected by the long-standing conflict in Saada, particularly internally displaced persons. Progress in this regard has been hampered by the partial restrictions, imposed by the Houthi group holding de facto power in Sa'dah, on the activities of humanitarian agencies. One of them, Médecins sans frontières, was prevented from continuing its work and effectively expelled, under the apparently spurious justification that the building it was operating from was urgently needed. Humanitarian workers told the delegation that their deliveries were hampered by frequent disruptions and that they were also prevented from entering Dammaj, which was under siege by the Houthis. It should be noted, however, that the rate of return of people originating from Sa'dah who had fled to outside temporary camps or were staying in hosting households has been faster than expected.

B. Human rights violations allegedly committed by armed opposition groups

35. The Security Council, in its resolution 2014 (2011), and the delegation that conducted the assessment mission in 2011 both recommended that armed opposition groups should remove all weapons, ranging from small firearms to rocket launchers, from public

areas of peaceful demonstrations, such as sit-ins and marches, and ensure that none of their supporters or those under their command opens fire from within peaceful demonstrations, thereby putting the demonstrators at risk of return fire.

36. In Sanaa, the delegation observed that armed opposition groups remained in control of large parts of the city. Change Square, the Old and New University areas and the north-western part of Sixty street, which host the majority of protesters and opposition supporters, were largely under the control of the forces of the former Chief of the First Armoured Division, Ali Mohsen, who, after defecting from the Government, pledged to protect anti-Government protesters. Armed groups loyal to Sheikh Sadeq al-Ahmar controlled Hasaba and Safwan quarters. The delegation found that areas of public protest, including Change Square and University Square, which had witnessed the largest protests in Sanaa, continued to host a range of weapons, including heavy weapons such as rocket-propelled grenades and other long-range weapons. Ad hoc security barriers manned by armed militias were heavily present throughout the areas of Sanaa occupied by armed opposition groups, which had removed some barriers following the signing of the agreement in accordance with the Gulf Cooperation Council initiative.

37. Another central recommendation made to armed opposition groups was that they ensure that no child under the age of 18 participated in checkpoint activities or in protecting protesters. In the areas occupied by armed opposition groups in Sanaa, the delegation observed the presence of uniformed children clearly under the age of 18 manning checkpoints and guarding areas.

38. The delegation also learned that many residents of areas controlled by armed opposition groups, particularly those perceived to be of opposing political views, continued to suffer from harassment and intimidation. Organizations representing residents of areas occupied by armed opposition groups provided the delegation with numerous testimonies and documents on harassment by factions of the armed security forces. The allegations included repeated mistreatment at security checkpoints, verbal and physical abuse, destruction of property and arbitrary house and car searches. According to testimonies, some people, particularly women and children, were forced to either confine themselves to home or to relocate altogether. The delegation was also informed that several homes had been occupied by armed forces and refitted for military use.

39. During the mission, the delegation noted signs of growing animosity in Change Square. Several clashes between anti-Government organizations of different political ideologies were reported, particularly following the arrival of protesters from Ta'izz taking part in the "march of life". Witnesses referred to harassment and other acts of intimidation, none of which resulted in killing or serious injury.

40. The delegation also met with civil society organizations representing women. They told of the conditions faced by women who reside and spend time in some of the occupied areas; for example, female students at the University of Sanaa were increasingly forced to relocate or avoid these areas altogether, since they refused to let themselves to be subjected to checks habitually carried out by male security personnel.

41. In Ta'izz, the delegation received information about dozens of security personnel and others affiliated to the Government who had been detained by armed groups. The Governor's son was among those detained and was only released following the intervention of foreign ambassadors. The delegation also received information indicating that armed groups had abducted a number of security personnel in Ta'izz. The abductors were alleged to have tortured some of their detainees or prevented them from receiving medical care. The delegation raised these issues with opposition leaders and asked them to release all individuals in their detention.

42. The delegation had recommended that armed opposition groups should refrain from attacking targets that provide basic services and supplies, including electricity, fuel, water, medical supplies and health and education facilities. In Sanaa, basic services in areas controlled by armed opposition groups appear to be disrupted by the occupation. At the time of the visit, the Old University of Sanaa was closed and several elementary and secondary schools, shops and businesses had been partially or entirely closed. Public transport was scarce or non-existent, and the cost of transport, electricity, gas and other goods had increased two- or three-fold. Attacks on public infrastructures continued; a gas pipeline was bombed on 15 October in retaliation against the extrajudiciary killing of alleged Al-Qaida members, including two children under 18 years, in Shabwah governorate; and the electricity line from Mareb to Sanaa was repeatedly sabotaged (twice in 24 hours in January 2012). Convoys of refined oil products were also targeted, although the situation improved after Saudi Arabia and the United Arab Emirates provided crude oil.

C. Other issues of particular concern

43. The delegation received various reports of violations of child rights. Children were reportedly still subjected to the same extreme violence as many adults, including killings, injury and/or recruitment by security forces. Information received by the delegation indicated that children had been directly involved in the violence, having been seen in uniform patrolling the streets and serving at Government checkpoints. Furthermore, children were forced out of school, used in demonstrations or killed, wounded or displaced by the fighting. Numerous schools were damaged or vacated by Government forces or armed groups, thus depriving thousands of children of education. According to children's agencies, in Ta'izz, 32 schools were closed for as long as two months after the start of the civil unrest. Of some 100 schools, 12 were occupied either by armed forces or armed groups. At the time of drafting of the present report, all schools in Ta'izz had been reopened, despite the continued protests against the Director General of Education and some headmasters. Humanitarian agencies also reported alarming increases in documented cases of malnutrition in children, with figures revealing that families had to reduce the number of meals per day even for children less than 5 years of age.

44. With regard to freedom of expression, the delegation met with media organizations that expressed concern at the gravity of the challenges faced by journalists. More than 320 cases of violations affecting journalists had been reported since January 2011; they included 44 cases of harassment, threats, assault (including during the events in Dar Salm on 24 December), illegal arrest and detention, the vast majority of which were allegedly committed by Government security forces. The journalist Abdelhakim Thu'il was detained incommunicado by National Security from 14 October and only released in mid-December. A former head of the official Saba news agency claimed to have received direct threats from a relative of the President. The headquarters of Al-Sa'ida television station in Safwan, Sanaa, were burned down in October during heavy clashes in the area. There were also cases of attacks and unlawful detention by armed opponents of the Government in Sanaa and one incident in Saada. Unions also documented more than 90 cases of newspapers being confiscated at security checkpoints at the entrance to major cities and in certain districts of Sanaa. Incidents of deportation of reporters and blocking of websites were also reported. At the time of the mission, the delegation was informed that at least five journalists had lost their lives since the start of the unrest, four allegedly killed by Government snipers.

45. The marginalized Muhamasheen community (also referred to as *Al Akhdam*, meaning "servant" in Arabic) that are distinct by their African features, continued to face harassment at the hands of alleged members of armed opposition groups, who accused them of supporting the President. One of the Muhamasheen settlements in the Al-Rawdha area of

Ta'izz was caught in the crossfire and its inhabitants prevented from moving for days during the most violent episodes. Violence and the theft of solid waste-collection vehicles also prevented street-cleaning activities, one of the main sources of livelihood of the community.

46. According to the most recent update of the Office for the Coordination of Humanitarian Assistance, thousands of migrants, mostly Ethiopian, were stranded in northern Yemen, where they face extreme hardship; more than 30 were reported to have died in December alone.

V. Implementation of the recommendations of the Office of the High Commissioner

47. Some steps were taken to implement the recommendations made and contained in the OHCHR assessment mission (A/HRC/18/21). In the previous report, OHCHR recommended that the Government should release all prisoners detained for peacefully exercising their freedom of expression and assembly and who had not been charged with a criminal offence. The Military Committee for Achieving Security and Stability informed the delegation that the Government had detained 197 people since the start of the current unrest. According to the Committee, 66 of those detained remained in the custody of the Republican Guard, 10 were in the custody of the Military Police, one in the custody of Military Intelligence and another 80 were in the custody of the Ministry of the Interior. The Committee confirmed that most of the detainees were released as a gesture of good will, following the announcement of the release of all people detained in connection with the protests. The Committee stated that the 40 detainees still in custody were detained because they had been charged with serious crimes and would therefore be tried. The Committee confirmed having received a request from sources close to defected General Ali Mohsen to release a large number of supporters detained by the Government. The Committee added that it had reviewed the list and found that many of the names on it did not belong to those detained.

48. At the time of the mission, the Minister for Human Rights and the Minister for Legal Affairs informed the delegation that the blueprint for the establishment of a national commission of inquiry was being prepared and would soon be submitted to the Cabinet for approval. Both ministers provided assurances that the commission would operate independently and in accordance with international standards; its mandate would be to investigate any human rights violations committed in the context of the ongoing unrest; its commissioners would be people free of any political affiliation and appointed on the basis of merit and standing; and that the commission would also devise programmes for the awarding of compensation and reparations to victims. They noted, however, that the issue of prosecution was at risk of being left out altogether in view of the possible adoption of an amnesty law.

49. The delegation met with the Minister for Defence, the Minister for the Interior and representatives of the Military Committee for Achieving Security and Stability. It raised allegations made that civilians were being unlawfully detained in secret detention centres, and presented three names of people allegedly detained in undisclosed localities under the command of Central Security. The Committee assured the delegation that it would look into these individual cases. No information was received by the delegation.

50. The delegation also received information about the ongoing release of a number of people detained by Government forces in Ta'izz, some of whom had been transferred to Aden or Sanaa and were still awaiting release.

51. The delegation was also informed during a meeting with representatives of numerous ministries and public bodies forming a technical committee that President Saleh had announced an amnesty for security personnel on 27 November for the “mistakes” made during the events of 2011. None of the persons present could confirm whether the President’s announcement was of a formal nature or whether those benefitting from the amnesty had been identified. Several committees were at work in Sanaa and Ta’izz to evaluate material damages and offer compensation. Another committee established by the Governor of Ta’izz had started to offer what some called “blood money” or “burial allowance” to families of 22 civilian victims some 50 more cases were still under consideration. The Governor’s fund relies on both public monies and private contributions. It is unclear how the work of the committee ensures consistency in other locations, such as Arhab, Sanaa or Aden, where many civilians died but no similar progress was reported. No additional information was made available concerning this issue.

52. Furthermore, OHCHR was informed by the technical committee chaired by the Ministry of Human Rights of the adoption on 15 November 2011 of Decree No. 238, which establishes a framework for the implementation of the recommendations made by OHCHR following its assessment mission. OHCHR welcomes and commends the adoption of the Decree, which calls on the Minister for Human Rights and the Minister for Legal Affairs to present the Cabinet with a blueprint for the establishment of a commission of inquiry into human rights violations, including programmes of compensation and reparation for victims. According to the delegation’s interlocutors, work on the blueprint is continuing under the new Government, even though no further progress was noted.

53. OHCHR recommended that the Government of Yemen should enhance cooperation with the United Nations, including through (a) the implementation of recommendations made by the treaty bodies, at the universal periodic review and by special procedures; (b) the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute; (c) the implementation of the recommendations contained in the report of the Secretary-General on children and armed conflict.⁴ The delegation raised the above issues during its meetings with the Minister for Human Rights and the Minister for Legal Affairs, who expressed their support for greater cooperation with the United Nations, the implementation of treaty body recommendations and the ratification of the above-mentioned international obligations. The delegation learned that the new Cabinet was preparing a framework for implementing and operationalizing the above recommendations to be submitted to the new Government for approval. The above-mentioned steps had not, however, been implemented by the Government at the time of the mission.

54. OHCHR also recommended that the Government should strengthen its cooperation with OHCHR and expedite the establishment of a national human rights institution in accordance with the Paris Principles. OHCHR had on several occasions raised these issues with the Permanent Representative of Yemen in Geneva, who consistently expressed his Government’s willingness to create a framework for greater cooperation with OHCHR, including for the establishment of a national human rights institution. During the mission, both the Minister for Human Rights and the Minister for Legal Affairs expressed great interest in forging stronger ties with OHCHR and working towards the establishment of permanent representation of OHCHR in Yemen.

55. One of the central recommendations made by OHCHR for the armed opposition groups was the release of remaining detainees and the investigation of cases of torture and enforced disappearance perpetrated by individuals under their command. The Government

⁴ A/65/820-S/2011/250.

claimed that forces under the command of Ali Mohsen had detained 491 civilians and 193 soldiers, and that forces loyal to Sheikh Sadeq al-Ahmar were allegedly holding some 200 people. The delegation met with Sheikh Hashim al-Ahmar, brother of Sheikh Sadeq al-Ahmar and commander of their armed forces, who claimed that most of the people who the Government alleged were in their custody either did not exist or were not detainees, but rather people who had defected from the Government to join the forces of al-Ahmar. Sheikh Hashim al-Ahmar also stated that the majority of detainees in custody had been released following the Government's decision to release most detainees arrested in connection with the demonstrations, and that less than 40 detainees remained in their custody. Sheikh Hashim pledged to provide detailed information about the names and exact number of detainees still in custody. However, no further information was received.

VI. Conclusions and recommendations

56. **The delegation noted that Yemenis peacefully calling for greater freedoms, an end to corruption and respect for the rule of law continued to be victimized by excessive and disproportionate use of force in situations where non-lethal measures should have been used. It observed that, in Sanaa, armed opposition groups continued to bring a range of weapons into areas of public protest, thereby endangering the lives of civilians living in or frequenting these areas. Testimonies further indicated that civilians residing in areas controlled by armed opposition groups in Sanaa were subjected to routine harassment, intimidation and, at times, assault at the hands of armed personnel under the command of the armed opposition.**

57. **During the reporting period, force was used in the context of armed confrontations between Government forces and armed opposition groups, between non-State armed groups, and by Government forces against unarmed civilians exercising their right to peaceful assembly. The ongoing unrest contributed to an increasingly dire humanitarian and economic situation.**

58. **The delegation also noted the continued presence of children under the age of 18 years in the ranks of the security forces and armed opposition groups.**

59. **The delegation received information from a variety of sources suggesting that a number of civilians continued to be detained by Government security forces without due process and that armed opposition groups continued to detain illegally persons suspected of sympathizing with the Government or belonging to the security forces.**

60. **Despite the adoption of a decree establishing a framework for the implementation of recommendations made by during the OHCHR assessment mission, including the establishment of a national commission of investigation, no concrete progress has been made in investigating incidents of excessive and disproportionate use of lethal force, arbitrary arrest, enforced disappearance and torture. Given the slow or lack of progress in implementing the above-mentioned recommendations, the High Commissioner reiterates most of the same recommendations.**

61. **The High Commissioner recommends that the Government of Yemen seize the opportunity presented by the formation of a new Government to restore citizens' trust in the State and to re-establish the rule of law in the country through the implementation of the following measures:**

(a) **Take immediate action to end attacks against civilians and civilian targets by security forces, in full compliance with the State's obligations under**

international human rights law; in particular, firearms and lethal force should only be used as a last resort when lives are under a direct threat;

(b) Launch a transparent and independent national investigation, in accordance with relevant international standards, into credible allegations of serious human rights violations committed by the Government security forces, including, but not limited to, the killing of civilians, excessive use of force against civilians, arbitrary detention, and torture and ill-treatment, and ensure that all perpetrators are held accountable;

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

(d) Ensure that no amnesties that prevent the accountability of persons responsible for serious human rights violations, including war crimes and crimes against humanity, are allowed;

(e) Take immediate measures to end the use and recruitment of children, and demobilize those who have already been recruited, and cooperate with the United Nations for their integration into their communities;

(f) Release remaining detainees and publish the names of persons released, of those still detained and the justification for their continued detention;

(g) Refrain from any action that is intended to deprive the population of basic services such as electricity, fuel and water, and take urgent action to restore basic services and access to basic supplies, in particular electricity, fuel, water, medical supplies and facilities, and educational facilities;

(h) Enhance cooperation with the United Nations, including by means of implementing recommendations made by United Nations treaty bodies, at universal periodic review sessions and by the special procedures; extending a standing invitation to all thematic special procedures mandate holders; ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute; and implementing the recommendations made by the Secretary-General in his report on children and armed conflict;

(i) In accordance with Human Rights Council resolution 18/19, develop a framework for continued dialogue and strengthened cooperation in the field of human rights with OHCHR, with the support of the international community;

(j) Clarify the reporting lines of national and political security forces and establish closer monitoring of their activities by the judiciary and Parliament.

62. The High Commissioner recommends that armed opposition groups:

(a) Remove all weapons, from small firearms to rocket launchers, from public areas where peaceful demonstrations, such as sit-ins and marches, are held, and ensure that none of their supporters or those under their command opens fire from within peaceful demonstrations, thereby putting demonstrators at risk of return fire;

(b) Ensure that no children under the age of 18 years, whether among their supporters or under their command, participate in checkpoint activities or in protecting protesters;

(c) Cease acts of violence, harassment, threats and all attempts at intimidation of demonstrators who express opposing points of view;

(d) Ease restrictions on movement, including by removing manned checkpoints and facilitating the work of humanitarian agencies;

(e) Release all persons held in places of detention under opposition control, provide names of those released and those still in detention and ensure that they are treated humanely;

(f) Cooperate with investigations into abuses that may have been committed by armed men under opposition command;

(g) Refrain from attacking targets that provide essential services to the civilian population, vacate all public buildings and withdraw from public and private properties.

63. The High Commissioner recommends that the international community:

(a) Call on all parties in Yemen to refrain from the use of violence and to resolve their political or sectarian differences through open, transparent and comprehensive dialogue with the support of the international community;

(b) Encourage international, independent and impartial investigations into incidents that have resulted in heavy loss of life and injuries;

(c) Heed the call for humanitarian assistance and provide financial support for the Yemen humanitarian response plan of 2011 and the joint United Nations stabilization plan.
